

ADMINISTRATIVE

RULES

Supplement to Chapter 19

As authorized by Section 19-27

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January 15, 2021**

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**ADMINISTRATIVE RULES:
SUPPLEMENT TO CHAPTER 19
AS AUTHORIZED BY SECTION 19-27
October 1, 2020
REVISED January 15, 2021**

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ARTICLE I. EFFICIENT OPERATION SUGGESTION POLICY AND PROCEDURE

Section A. CONSIDERATION TO EMPLOYEE SUGGESTIONS

Department Heads and supervisors shall at all times give due consideration to employee suggestions concerning methods by which the efficiency and economy of municipal services can be improved. Proposals suggesting new or revised procedures which result in the reduction or elimination of expenditures, a revenue increase, or the improvement of operating efficiency may be eligible for special recognition and awards. Employees below the division manager level are eligible for awards.

Section B. PROCEDURE

1. Efficiency proposals must be in writing and presented to the employee's supervisor, who shall in turn forward a copy of the suggestion to the Department Head with comments concerning its feasibility. The employee shall be advised of the status of the suggestion by the immediate supervisor on a continuing basis; and if a suggestion is not accepted, the supervisor will notify the employee, with reasonable explanation for the decision.
2. If a suggestion is such that significant improvement in operations, a solution to a difficult problem, or substantial cost savings result, the Department Head may recommend an award of up to five (5) days additional leave with pay for the employee in a one-year period.
3. The final determination of the award shall be made by the City Manager. A record of any suggestions, awards, or commendations shall be kept in the employee's permanent personnel file.

ARTICLE II. DRUG OR ALCOHOL USE

DIVISION 1. GENERAL EMPLOYEE DRUG AND ALCOHOL POLICY

Section A. DEFINITIONS

As used in this Division, the listed terms shall have the following meaning:

“Alcohol.” The intoxicating agent in a beverage including alcohol, ethyl alcohol or other low molecular weight alcohols.

“Alcohol Use.” The consumption of a beverage, mixture, or preparation, including any medication, containing alcohol.

“Applicant.” Any individual selected through a direct hire process who is not currently in the City's employ and as a condition of employment must meet the applicable conditions of this policy prior to employment.

“CDL.” Commercial Driver License, an employee who performs safety sensitive functions which requires this licensure to operate equipment and vehicles are subject to Federal Regulations from the U.S. Department of Transportation governing Drug and Alcohol Testing.

“City Premises.” Any and all property, facilities, land, structures, and vehicles owned, leased, used or under the control of the City.

“Collection Site.” A place designated by the City where employees present themselves for the purpose of providing a specimen of their urine or breath to be analyzed for the presence of drugs/alcohol.

“DOT Regulated Employees” means all City employees subject to U.S. Department of Transportation’s federally mandated drug and alcohol regulations, in particular employees who meet any one of the following criteria: (1) are required to hold a commercial driver license (CDL) to operate a commercial motor vehicle and are subject to the rules of the Federal Motor Carrier Safety Administration governing drug and alcohol testing under 49 CFR Part 40; (2) are employed to operate a revenue service vehicle at any time, in any revenue service or not, controlling the dispatch or movement of a revenue service vehicle or maintaining a revenue service vehicle and are subject to the rules of the Federal Transit Administration governing drug and alcohol testing under 49 CFR Part 655; or (3) are employed to perform safety sensitive or regulated duties as outlined by the Federal Railroad Administration and subject to the federal regulations of 49 CFR Part 219.

“Drug.” Any non-food substance, other than alcohol or such over-the-counter pain relievers as aspirin or cold remedies, capable of altering the mood, perception, pain tolerance, sobriety or judgment of the person consuming it.

“EBT.” Evidential Breath Testing Device, a device approved by NHTSA (National Highway Transportation Safety Association) for the evidential testing of breath at the .02 percent and .04 percent alcohol concentrations, placed on NHTSA’s Conforming Products List (CPL) for Evidential Breath Testing Devices and identified on the CPL as conforming with the model specifications available from NHTSA’s Traffic Safety Program.

“5 Panel Drug Testing”:

- Marijuana (THC)
- Cocaine
- Amphetamines
 1. Amphetamine
 2. Methamphetamine
 3. MDMA
 4. MDA
- Opioids
 1. Codeine
 2. Morphine
 3. 6-AM (heroin)
 4. Hydrocodone
 5. Hydromorphone
 6. Oxycodone
 7. Oxymorphone
- Phencyclidine (PCP)

“Illegal/Unauthorized drug.” Any drug which is not legally obtainable, any drug which is legally obtainable but has been illegally obtained, and/or is not being used for its prescribed purpose or in the prescribed manner.

“Legal Drug.” Except for Medical Marijuana, any prescribed drug or over-the counter drug which has been legally obtained and is used for the purpose for which it was prescribed or manufactured.

“Medical Marijuana” means marijuana for medical use as authorized by the Missouri Department of Health and Senior Services and the distribution, possession and use of the marijuana are in compliance with all laws and regulations authorized by Article XIV of the Missouri Constitution, titled Medical Cannabis.

“Medical Review Officer” or “MRO.” A licensed physician responsible for receiving and reviewing laboratory results generated by this policy, who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate positive test results together with an employee's history and any other relevant biomedical information.

“Possession.” Actual or constructive care, custody, control or immediate access to. “Reasonable Suspicion.” When a supervisor has reason to believe the appearance and/or conduct of an employee are indicative of the use of alcohol, drug(s) (including Medical Marijuana), or a combination thereof.

“Substance Abuse Professional” or “SAP.” Evaluates employees who have violated a drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up care and aftercare. Must be a licensed physician (M.D. or D.O.) or a licensed or certified psychologist, social worker, employee assistance professional, state- licensed or certified marriage and family therapist, or a drug and alcohol counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC) or certified by: the International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse (ICRC); or by the National Board for Certified Counselors, Inc. and Affiliates/Master Addictions Counselor (NBCC) with knowledge of and clinical experience in the diagnosis and treatment of alcohol/substance abuse related disorders. Requires completion of qualification training and SAP certification per 49 CFR Part 40.

“Substance Abuse Counselor” or “SAC.” Evaluates employees who have violated the City of Columbia Drug and Alcohol Policy and this person makes recommendations concerning education, treatment, follow-up care and aftercare. The SAC is coordinated through EAP.

“Uniformed Officers” means all uniformed employees in the Fire Department.

“49 CFR Part 40.” Federal Procedures for Transportation workplace drug testing programs. These rules are available for review in the Human Resource Department.

Section B. IN GENERAL

1. Scope.

a. *General.* Except as provided herein, the General Employee Drug and Alcohol Policy applies to all employees of the City, including job applicants, probationary employees, permanent full and part-time and temporary full and part-time.

b. *DOT Regulated Exception.* This General Employee Drug and Alcohol Policy, Division 1 of Article II, does not apply to DOT Regulated Employees. DOT Regulated Employees are subject to the separate, federally mandated drug and alcohol policies which are provided in subsequent divisions of Article II herein.

c. *Police Department Exception.* This General Employee Drug and Alcohol Policy, Division 1 of Article II, does not apply to employees of the Columbia Police Department. Separate drug and alcohol policies are provided in a subsequent division of Article II herein.

2. Purpose.

The purpose of this Drug and Alcohol policy is to ensure an alcohol and drug-free workplace, to reduce accidents and injuries, and to comply with all federal, state and local laws. The City of Columbia recognizes that the state of employees' physical condition affects their job performance, their availability for work, their ability to perform certain types of work, and may affect their opportunities for continued employment or advancement. The City also recognizes that drug and alcohol abuse ranks as a major health problem which affects an individual's physical condition and causes untold trauma and expense, not only to the employee but also ultimately to the City as an employer.

3. General Policy.

It shall be the general policy of the City to prohibit the possession, manufacture, sale, transference, use or ingestion of illegal/unauthorized drugs or Medical Marijuana, or the use or ingestion of alcohol, or the unauthorized possession, sale or transference of alcohol, on City premises, while operating City vehicles and equipment, while engaged in the performance of job duties or while otherwise representing the City of Columbia in any capacity and during off-site lunch periods or breaks when an employee is expected to return to work or on call for work.

4. Condition of Employment.

As a condition of employment, employees of the City of Columbia are expected to fully comply with this policy, to be free from the use of illegal drugs and to abstain from on-duty alcohol use.

5. Questions about the Policy.

Questions about the City's drug and alcohol policy may be directed to either the Human Resources Director at 817-6445, or the designated employer representative at 874-6392.

Section C. MEDICAL MARIJUANA

1. Purpose.

Missouri has laws allowing for the medical use of marijuana. The City, as an employer, is committed to providing a safe work environment and reducing accidents and injuries, to ensuring the safety and protections of the public served by the employees of the City, and to complying with all relevant federally mandated laws, including all Drug-Free Workplace requirements and federally

mandated drug and alcohol testing for Regulated employees.

The use of marijuana, whether it is for recreational or medical purposes, has physiological effects that can include sedation, disorientation, impaired judgment, lack of concentration and slowed fine motor skills. The City recognizes that the impairing effect of such use while at work creates workplace performance and safety issues that the City wishes to avoid.

Furthermore, marijuana is a controlled substance under the federal Drug Abuse Prevention and Control Act. Its possession and use are prohibited in the workplace under federal Drug-Free Workplace regulations. The City relies on federal funding for many of its critical services and programs and failure to comply with the Drug-Free Workplace requirements could jeopardize that federal funding. It is the City's position and intent that this Medical Marijuana Policy shall meet or exceed all requirements of the federal Drug-Free Workplace laws, 41 USC §§ 8101, et. seq., as amended.

2. General Medical Marijuana Policy

It shall be the policy of the City of Columbia that all employees are strictly prohibited from possessing, using, ingesting or being under the influence of Medical Marijuana while on City premises, while operating City vehicles and equipment, while engaged in the performance of job duties or while otherwise representing the City of Columbia in any capacity and during off-site lunch periods or breaks when an employee is expected to return to work or on call for work.

3. Additional Restrictions - Uniformed Officers

a. *Purpose.* The City has a compelling interest in ensuring its Uniformed Officers are both mentally and physically capable of performing the demanding public safety work that the position requires. These positions are first responders to emergency situations and are required to perform important public safety functions including the following: responding to calls for emergency assistance or crisis situations; performing in emergency medical and rescue incidents; capable of operating emergency vehicles, including firetrucks or other official emergency vehicles, and control them at high-rates of speed; carrying and using firearms; being on 24/7 emergency call-out; sound decision-making to protect life and property, public health or safety, or other functions requiring a high degree of public trust. It is the City's intent and position that employees in these positions are required to have the ability to work in a constant state of alertness and safe manner.

b. *Uniformed Officers Medical Marijuana Policy.* It shall be the policy of the City that all Uniformed Officers are prohibited from possessing, using, ingesting or being under the influence of Medical Marijuana at any time.

4. Additional Restrictions – DOT Regulated Employees

In accordance with federal laws, it shall be the policy of the City that all DOT Regulated Employees are prohibited from possessing, using, ingesting or being under the influence of Medical Marijuana at any time.

Section D. PROHIBITED CONDUCT

1. Drugs.

The manufacture, distribution, unlawful dispensing, use, possession or being under the influence of any illegal/ unauthorized drug, while on the City's premise or during working time or during a meal break when an employee is expected to return to work or on call for work is strictly prohibited.

An employee may use and possess a legal drug while on the City's premises or during working time, provided the employee uses the drug in accordance with a physician's or the package instructions, does not distribute the drug to another, and the employee has reported the use of any mood altering or judgment or performance impairing drug to Employee Wellness or his/her immediate supervisor before the beginning of his/her work shift. When an employee has reported the use of a legal drug, Employee Wellness shall notify the employee's supervisor of potential impairing effects. If an employee reports the use of a legal drug to his/her supervisor, the supervisor shall report this information to Employee Wellness. Employee Wellness staff will consult with the City physician on potential impairing effects and notify the supervisor of any potential impairing effects of the drug. It shall be the employee's responsibility to inquire of the prescribing physician or a pharmacist whether or not the prescribed or over-the-counter medication is mood altering or judgment or performance impairing. The City reserves the right to have a physician of its choice determine whether an employee can safely perform their job while using or being under the influence of any legal drug so reported. In addition, the City reserves the right to restrict such employee's work activity or presence on the City premises. Applicable accumulated leave or leave without pay may be granted under applicable ordinance provisions.

2. Alcohol.

The use, possession or ingestion of alcohol during working hours, including lunch hours or while on City premises when associated with working hours, is strictly prohibited. However, the possession of alcoholic beverages by employees whose job assignment includes the buying, selling, distributing, dispensing or transferring the beverage is excluded, as is the use of alcohol containing solvent, cleaners and other chemicals for the purpose for which they were manufactured.

3. Impairment.

It is a violation of this policy for employees to report to work, or to enter onto the City premises while being in a condition impaired for work due to effects, symptoms or side effects of alcohol and/or drugs.

4. Submit to Drug/Alcohol Testing.

Failure of an employee to submit to any drug or alcohol testing required under this policy including, but not limited to, failure to report in a timely manner to a collection site, sign any required consent form or otherwise fully cooperate in the collection of any breath/urine specimen, is strictly prohibited. If any employee refuses to be tested, then the refusal shall be subject to disciplinary action up to and including termination.

5. Conviction Reporting.

As a condition of employment, all employees are required to notify the City of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after the conviction. The failure to report such conviction is a violation of this policy. Within thirty (30) days after receiving notice from an employee of a conviction under this provision, the City will take appropriate action against the employee, up to and including termination, or will require the employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for those purposes in accordance with federal Drug-Free Workplace requirements.

Section E. EMPLOYEE ASSISTANCE PROGRAM (EAP)

1. EAP Program.

City shall maintain a contract Employee Assistance Program (EAP) which will provide counseling or referral for drug and alcohol abuse. The City shall provide a list of available resources for drug/alcohol counseling if the employee chooses to seek assistance outside the City's EAP. Applicable accumulated leave or leave without pay may be granted for treatment, counseling or rehabilitation under applicable ordinance provisions. It will be the employee's responsibility to comply with a City request for referral and diagnosis and to cooperate fully with any prescribed therapy.

Rehabilitation is the responsibility of the employee. In cases of mandatory referral to the EAP as part of a disciplinary disposition or in compliance with a federal rule, the City shall require the counseling agency to report to the City: (1) that the employee is attending the mandated counseling; (2) that the employee is arriving on-time to scheduled appointments and is cooperating with the counselor; (3) that the employee has completed counseling or therapy and is released by the counseling provider; and (4) if any medical leave is required.

2. Self-Help.

If, prior to any drug or alcohol testing or the occurrence of an event giving rise to a reasonable suspicion of current drug or alcohol use, an employee seeks help to refrain from drug or alcohol use, either by inquiry to the City or entering a counseling or rehabilitation program, then the City will assist the employee in locating and attending a suitable program and exercise care to maintain the confidentiality of the inquiry and program participation.

The employee shall not have his or her job security jeopardized solely because he or she has made a voluntary request for diagnosis and appropriate therapy for alcoholism or drug dependency. However, the City is concerned by those situations where use of alcohol or other drugs affects an employee's job performance, causes a potential safety problem or is detrimental to the City's business, and will take those actions that are required for the good of the City as a whole. Self-referral to a treatment program may not be used as a protection from supervisory actions taken as a result of job performance deficiencies.

The City may also grant the employee an appropriate leave of absence (generally not to exceed twelve weeks) or other reasonable accommodation so the employee can undergo a mutually agreed upon rehabilitation program. To the extent permitted by law, any leave or other accommodation granted pursuant to this policy will, absent extenuating circumstances as determined by the City, be granted only once.

Section F. DRUG AND ALCOHOL TESTING

1. Types of Testing.

All employees under this policy shall be subject to the following drug or alcohol tests:

a. *Pre-Employment Testing.* The City will test job applicants for all permanent positions, and temporary positions as Meter Reader, for current drug use prior to offering successful applicants City employment. A dilute negative is considered a negative result and a retest will not be needed unless directed by the MRO. An applicant with a verified positive test will be ineligible for hire for five years.

b. *Reasonable Suspicion Testing.* When a City Supervisor has reasonable suspicion that the employee is under the influence of alcohol or drugs (including Medical Marijuana), then the supervisor may require the employee to undergo drug and/or alcohol

testing. The supervisor determining reasonable suspicion shall not supervise or participate in testing procedures.

Reasonable suspicions shall be grounded upon specific, articulable observations concerning the appearance, behavior, motor skills, speech or body odors of the employee, or the physical inability of the employee to perform their job assignments, or a report of drug use is provided by a reliable and credible source that has been independently corroborated.

c. *Return to Duty Testing.* Return to Duty testing must occur after an employee has failed a drug and/or alcohol test, or refused to be tested. The employee must have successfully completed the required education and/or rehabilitation program before a return to duty test may be given. The employee must test negative for drugs and/or below .02 percent breath alcohol concentration before resuming job duties.

d. *Follow-up Testing.* Whenever an employee has sought self-help under this policy or has been mandatorily referred to a drug and/or alcohol rehabilitation program and has completed the program, the City's Medical Advisor, SAP or SAC may require the employee to participate in follow-up drug and/or alcohol testing. The extent and duration of the testing shall be determined by the City's Medical Advisor, SAC or SAP if required.

2. Testing Procedures.

The procedures for collecting breath and urine specimens will be posted at the collection site. All drug tests shall be performed by a laboratory certified under the Department of Health and Human Services, Mandatory Guidelines for Federal Workplace Drug Testing Programs, 53 FR 11970, April 11, 1988, and subsequent amendments thereto. Employees that are not DOT Regulated Employees will be tested in a manner that mirrors 49 CFR Part 40 procedures. However, these tests shall not be performed on federal forms or under federal authority.

a. *Specimen Collection Procedure.* The Human Resources Department will instruct applicants to report to the testing site. Employees will be instructed by the supervisor where and when to report for drug and/or alcohol testing. Employees will also be instructed that they must present a photo I.D. at the time of testing. In cases of Reasonable Suspicion Testing, the employee will be transported to the test facility or the City may request a breath or urine specimen collection at the worksite.

The procedures for collecting urine specimens will follow the procedures set out in 49 CFR Part 40 to safeguard the validity of test results, and ensure the integrity and identify of the urine specimen that is produced. Specimens will be sealed and marked at the time of collection in order to maintain an intact chain of custody. The procedure will also allow for individual privacy unless, in the determination of the City, the collector, or the

MRO, there is reason to believe that an employee may alter or substitute the specimen. Breath alcohol testing will follow Federal Procedures to ensure accuracy, reliability and confidentiality. All specimens, breath and urine, will be accompanied by the appropriate intact and correctly completed chain of custody form.

If testing under this policy is ever required of an employee who is in need of medical attention, necessary medical attention will not be delayed in order to collect the test specimen. However, such an employee shall promptly, upon request from the City, provide the necessary authorization for obtaining hospital reports and records and any other information at the time the need for medical attention and/or testing arose.

b. Testing Procedures.

(i) Drug Testing. Drug testing will be performed on urine samples and will be a 5 Panel Drug Test. The initial test will be performed by the enzyme immunochemical assay method. All specimens identified as a positive test on the initial test will be confirmed using gas chromatography/mass spectrometry (GC/MS) techniques. A specimen will be treated as negative if the result of the initial test or the confirmatory test is negative. The City utilizes the UMC Toxicology Lab or Clinical Reference Laboratory for non-DOT specimen testing.

(ii) Alcohol Testing. Alcohol use will be tested using Evidentiary Breath Testing Devices (EBT). Breath Alcohol testing requires the individual to provide a breath sample. Should the initial breath sample have a result of 0.02 percent blood alcohol content or greater, a confirmation test will be conducted within twenty (20) minutes. The confirmation test result takes precedence.

c. Refusal to Test. If an employee refuses to be tested or alters or attempts to alter the test sample, then such actions shall be treated as a positive test in addition to being a violation of this policy.

Behaviors constituting a test refusal: (1) failure to appear for a test in specified time frame (excludes pre-employment) (2) once test is underway, failure to remain at the testing site until the process is completed, (3) failure to provide volume of breath or urine without valid medical explanation, (4) failure to undergo a medical examination to verify insufficient volume, (5) failure to permit the observation or monitoring of specimen donation when so required, (6) failure to take an additional test required by the employer or collector, (7) failure to cooperate with any part of the testing process, (8) a drug test result that is verified by the MRO as adulterated or substituted, (9) possess or wear a prosthetic or other device that could be used to interfere with the collection process, (10) failure to sign the certification on Step 2 of the Alcohol Test Form (11) admit to the collector or MRO that you adulterated or substituted the specimen (12) tampering, adulterating, or substituting specimen (13) leaving the scene of an accident without just cause prior to submitting to a test.

3. Test Results.

a. Drug Test Results. The MRO will review positive drug test results with the applicant or employee before reporting them to the City. The substances for which the test was positive will be identified. The MRO may advise the City of a positive test result without having communicated with the applicant or employee about the test results if the applicant or employee expressly declines the opportunity to discuss the results of the test, or if the applicant or employee cannot be reached after reasonable efforts, per 49 CFR Part 40 by either the MRO or the City's representative.

If the MRO determines there is a legitimate medical explanation for the positive test result, the MRO will report the test result to the City as negative.

The MRO may direct the City to conduct an immediate recollection of a negative dilute specimen under direct observation (because the creatinine concentration is at or lower than 2mg/dL to 5mg/dL). Otherwise, (if the creatinine concentration is greater than 5mg/dL) the City will consider a dilute negative as a negative result.

b. Alcohol Test Results. If an alcohol breath test results in a reading of 0.02 - 0.039 percent blood alcohol content, the individual shall not return to duty but shall be taken off duty and not returned to work for at least eight (8) hours, and must test below .02 percent alcohol concentration before returning to work. If an alcohol breath test results in a reading of 0.04 percent blood alcohol content or greater, in addition to the above the employee must meet with a SAP or SAC. This person shall determine when the employee may return to work.

c. Confidentiality. The results of a positive test shall be kept confidential from the general City work force and public, except that members of management may be made aware that the employee's drug test was positive. The results may be known to the test facility, the MRO, City's Designated Employer Representative, SAP or SAC and the employee. The City may use the results to determine the appropriate response to employee drug and/or alcohol use and to support its disciplinary or other actions or to defend the City in a Court or Administrative hearing.

The MRO, SAP, or SAC and the City shall not release the individual test result of an employee to any unauthorized party without first obtaining written authorization from the tested individual or as required by law.

The employee may, upon written request, obtain copies of any records pertaining to the employee's use of prohibited drugs, including records pertaining to the employee's drug test. There shall be no charge for these records.

4. Actions Taken in Response to Test Results.

a. *Refusals.* An employee who refuses to be tested as provided for herein will be treated as having a positive test result and may be subject to disciplinary action up to and including termination. The employee shall be removed from duty, referred to a SAP or SAC, and will not be allowed to return to work until a Return to Duty process has been completed. Applicable accumulated leave or leave without pay may be granted for time away from work, treatment, counseling or rehabilitation under applicable ordinance provisions.

b. *Drug Tests.* An employee whose drug test result is reported as positive shall be removed from duty, referred to a SAP or SAC and shall be subject to disciplinary action up to and including dismissal. Employees will not be allowed to return to work in his or her position until a Return to Duty process has been completed. Applicable accumulated leave or leave without pay may be granted for time away from work, treatment, counseling or rehabilitation under applicable ordinance provisions.

c. Alcohol Tests.

i. Between .02 and .039 BAC. An employee whose breath test results in a reading of 0.02 – 0.039 percent breath alcohol content shall be immediately removed from duty and not allowed to return to work for at least eight (8) hours. If the employee is permitted to return to work after a positive result under this section, then he or she shall be tested again after at least eight (8) hours and must take a breath alcohol test with a result less than .02 percent blood alcohol concentration before returning to duty. An employee who has tested positive under this subsection may be referred to a SAP or SAC for evaluation and may be subject to disciplinary actions up to and including dismissal.

ii. At .04 or Above BAC. An employee whose breath test results in a reading of 0.04 percent blood alcohol content or greater shall be immediately removed from duty. The employee will not be allowed to return to work until a Return to Duty process has been completed. Applicable accumulated leave or leave without pay may be granted for time away from work, treatment, counseling or rehabilitation.

d. *Previous Positive Result.* An employee whose drug test result is reported to the City as positive or whose breath result is reported to the City as positive or whose breath test is 0.04 percent breath alcohol content or greater and who has previously had a positive drug test or breath alcohol test or who has had a previous mandatory referral for drug and alcohol counseling as required of these rules, will be terminated in accordance with 19-206.

e. *Rehabilitation Program Compliance.* If an employee fails to immediately begin an approved rehabilitation program and remain compliant with a rehabilitation agreement, successfully complete the program, participate in required or recommended after-care or otherwise fail to follow directives or instructions regarding the program, then the employee is in violation of this policy and may be subject to disciplinary action up to and including dismissal.

f. *Post Rehabilitation.* An employee who tests positive for illegal drugs or alcohol use of .04 or greater cannot return to work until he/she meets the following conditions:

- i. Successfully completes a City approved rehabilitation program or completes the initial phase of such program and continues to participate in any program after care required by the rehabilitation facility doctor and/or counselor.
- ii. No further use of a controlled substance or prohibited use of alcohol as indicated by a negative drug/alcohol Return to Duty test result at the time of release or before resuming work duties.
- iii. Obtains a full written release and recommendation to return to duty from the treatment facility doctor and/or counselor.
- iv. Agrees to be subject to post-rehabilitation unannounced follow-up testing as determined by the SAP or SAC for a minimum of 1 year, with at least 6 unannounced tests in the first year, and continue in the program for up to 5 years as deemed necessary by the SAP or EAP.

DIVISION 2. TRANSPORTATION REGULATED EMPLOYEE DRUG AND ALCOHOL POLICY

Section A. DEFINITIONS

As used in this Division, the listed terms shall have the following meaning:

“Alcohol.” The intoxicating agent in a beverage including alcohol, ethyl alcohol or other low molecular weight alcohols.

“Alcohol Use.” The consumption of a beverage, mixture, or preparation, including any medication, containing alcohol. An Alcohol fact sheet outlining the symptoms and health effects of alcohol misuse is included in Section N of this policy.

“Applicant.” Any individual selected through a direct hire process who is not currently in the City's employ and as a condition of employment must meet the applicable conditions of this policy prior to employment.

“CDL.” Commercial Driver License, an employee who performs safety-sensitive functions which requires this licensure to operate equipment and vehicles are subject to Federal Regulations from the U.S. Department of Transportation governing Drug and Alcohol Testing.

“City Premises.” Any and all property, facilities, land, structures, and vehicles owned, leased, used or under the control of the City.

“Collection Site.” A place designated by the City where employees present themselves for the purpose of providing a specimen of their urine or breath to be analyzed for the presence of drugs/alcohol.

“Direct Observed Collection.” The observer is the same gender as the employee. The employee raises his or her shirt, blouse, or dress/skirt, as appropriate, above the waist, and lowers clothing and underpants to show the observer, by turning around, that they do not have a prosthetic device. After it is determined that the employee does not have such a device, the employee may return clothing to its proper position for the observed urination. As the observer, you must watch the urine go from the employee’s body into the collection container.

“DOT.” U.S. Department of Transportation.

“Drug.” Any non-food substance, other than alcohol or such over-the-counter pain relievers as aspirin or cold remedies, capable of altering the mood, perception, pain tolerance, sobriety or judgment of the person consuming it.

“EBT.” Evidential Breath Testing Device, a device approved by NHTSA (National Highway Transportation Safety Association) for the evidential testing of breath at the .02 percent and .04 percent alcohol concentrations, placed on NHTSA’s Conforming Products List (CPL) for Evidential Breath Testing Devices and identified on the CPL as conforming with the model specifications available from NHTSA’s Traffic Safety Program.

“5 Panel Drug Testing”:

- Marijuana (THC)
- Cocaine
- Amphetamines
 1. Amphetamine
 2. Methamphetamine
 3. MDMA
 4. MDA
- Opioids
 1. Codeine
 2. Morphine
 3. 6-AM (heroin)
 4. Hydrocodone
 5. Hydromorphone
 6. Oxycodone
 7. Oxymorphone
- Phencyclidine (PCP)

“Illegal/Unauthorized drug.” Any drug which is not legally obtainable under both state and federal laws, any drug which is legally obtainable but has been illegally obtained, and/or is not being used for its prescribed purpose or in the prescribed manner.

“Legal Drug.” Except for Medical Marijuana, any prescribed drug or over-the counter drug which has been legally obtained and is used for the purpose for which it was prescribed or manufactured.

“Medical Marijuana” means marijuana for medical use as authorized by the Missouri Department of Health and Senior Services and the distribution, possession and use of the marijuana are in compliance with all laws and regulations authorized by Article XIV of the Missouri Constitution, titled Medical Cannabis.

“Medical Review Officer” or “MRO.” A licensed physician responsible for receiving and reviewing laboratory results generated by this policy, who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate positive test results together with an employee's history and any other relevant biomedical information.

“Monitored Collection.” The monitor should be the same gender, unless the monitor is a medical professional (nurse, doctor, physician assistant, technologist, or technician, licensed or certified to practice in the jurisdiction). Secure the room being used for the monitored collection so no one else can enter until after the collection has been completed. A monitor does not watch the employee urinate into the collection container. If the monitor hears sounds or makes other observations indicating an attempt to tamper with a specimen, there must be an additional collection under “direct observation.”

“Possession.” Actual or constructive care, custody, control or immediate access to.

“Reasonable Suspicion.” When a supervisor has reason to believe the appearance and/or conduct of an employee are indicative of the use of alcohol, drug(s) (including Medical Marijuana), or a combination thereof.

“Refusal To Test.” (1) failure to appear for a test in specified time frame (excludes pre-employment) (2) once test is underway, failure to remain at the testing site until the process is completed, (3) failure to provide volume of breath or urine without valid medical explanation, (4) failure to undergo a medical examination to verify insufficient volume, (5) failure to permit the observation or monitoring of specimen donation when so required, (6) failure to take an additional test required by the employer or collector, (7) failure to cooperate with any part of the testing process, (8) a drug test result that is verified by the MRO as adulterated or substituted, (9) possess or wear a prosthetic or other device that could be used to interfere with the collection process, (10) failure to sign the certification on Step 2 of the Alcohol Test Form (11) admit to the collector or MRO that you adulterated or substituted the specimen (12) tampering, adulterating, or substituting specimen (13) leaving the scene of an accident without just cause prior to submitting to a test.

“Safety-sensitive.” An employee who is required to hold a commercial driver license (CDL) to operate a commercial vehicle is considered to perform safety-sensitive functions. For Transit employees, it includes operators of revenue vehicles, dispatchers, maintaining transit vehicles and any armed security. This covers any period in which he or she is actually performing, ready to perform, or immediately available to perform such functions.

“Substance Abuse Professional” or “SAP.” Evaluates employees who have violated a drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up care and aftercare. Must be a licensed physician (M.D. or D.O.) or a licensed or certified psychologist, social worker, employee assistance professional, state-licensed or certified marriage and family therapist, or a drug and alcohol counselor certified by the National Association of Alcoholism and Drug

Abuse Counselors Certification Commission (NAADAC) or certified by: the International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse (ICRC); or by the National Board for Certified Counselors, Inc. and Affiliates/Master Addictions Counselor (NBCC) with knowledge of and clinical experience in the diagnosis and treatment of alcohol/substance abuse related disorders. Requires completion of qualification training and SAP certification per 49 CFR Part 40.

“Transportation Regulated Employees” means all City employees subject to U.S. Department of Transportation’s federally mandated drug and alcohol regulations with respect to the following: (1) are required to hold a commercial driver license (CDL) to operate a commercial motor vehicle and are subject to the rules of the Federal Motor Carrier Safety Administration governing drug and alcohol testing under 49 CFR Part 40; or, (2) are employed to operate a revenue service vehicle at any time, in any revenue service or not, controlling the dispatch or movement of a revenue service vehicle or maintaining a revenue service vehicle and are subject to the rules of the Federal Transit Administration governing drug and alcohol testing under 49 CFR Part 655.

“49 CFR Part 40.” Federal Procedures for Transportation workplace drug testing programs. These rules are available for review in the Human Resource Department.

Section B. IN GENERAL

1. Scope

The Transportation Regulated Employee Drug and Alcohol Policy applies to all Transportation Regulated Employees of the City, including job applicants, probationary employees, permanent full and part-time and temporary full and part-time.

2. Purpose

It shall be the general policy of the City to prohibit the possession, manufacture, sales, transference, use or ingestion of illegal/unauthorized drugs or the use or ingestion of alcohol, or the unauthorized possession, sale or transference of alcohol, on City premises, while operating City vehicles and equipment, while engaged in the performance of job duties or while otherwise representing the City of Columbia in any capacity and during off-site lunch periods or breaks when an employee is expected to return to work or on call for work.

3. General Policy

It shall be the general policy of the City to prohibit the possession, manufacture, sales, transference, use or ingestion of illegal/unauthorized drugs or the use or ingestion of alcohol, or the unauthorized possession, sale or transference of alcohol, on City premises, while operating City vehicles and equipment, while engaged in the performance of job duties or while otherwise representing the City of Columbia in any capacity and during off-site lunch periods or breaks when an employee is expected to return to work or on call for work.

4. Condition of Employment

As a condition of employment, employees of the City of Columbia are expected to fully comply with this policy, to be free from the use of illegal drugs and to abstain from on-duty alcohol use.

5. Questions about the Policy

Questions about the City's drug and alcohol policy may be directed to either the Human Resources Director at 817-6445, or the designated employer representative at 874-6392.

Section C. PROHIBITED CONDUCT

1. Drugs

The manufacture, distribution, unlawful dispensing, use, possession or being under the influence of any illegal/ unauthorized drug, while on the City's premises or during working time or during a meal break when an employee is expected to return to work or on call for work is strictly prohibited.

An employee may use and possess a legal drug while on the City's premises or during working time, provided the employee uses the drug in accordance with a physician's or the package instructions, does not distribute the drug to another, and the employee has reported the use of any mood altering or judgment or performance impairing drug to Employee Wellness or his/her immediate supervisor before the beginning of his/her work shift. When an employee has reported the use of a legal drug, Employee Wellness shall notify the employee's supervisor of potential impairing effects. If an employee reports the use of a legal drug to his/her supervisor, the supervisor shall report this information to Employee Wellness. Employee Wellness staff will consult with the City physician on potential impairing effects and notify the supervisor of any potential impairing effects of the drug. It shall be the employee's responsibility to inquire of the prescribing physician or a pharmacist whether or not the prescribed or over-the-counter medication is mood altering or judgment or performance impairing. The City reserves the right to have a physician of its choice determine whether an employee can safely perform their job while using or being under the influence of any legal drug so reported. In addition, the City reserves the right to restrict such employee's work activity or presence on the City premises. Applicable accumulated leave or leave without pay may be granted for time away from work under applicable ordinance provisions.

2. Alcohol

The use, possession or ingestion of alcohol during working hours, including lunch hours or while on City premises when associated with working hours, is strictly prohibited. However, the possession of alcoholic beverages by employees whose job assignment includes the buying, selling, distributing, dispensing or transferring the beverage is excluded, as is the use of alcohol containing solvent, cleaners and other chemicals for the purpose for which they were manufactured.

3. Impairment

It is a violation of this policy for employees to report to work, or to enter onto the City premises while being in a condition impaired for work due to effects, symptoms or side effects of alcohol and/or drugs.

4. Conviction Reporting

a. *General.* As a condition of employment, all employees are required to notify the City of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after the conviction. The failure to report such conviction is a violation of this policy. Within thirty (30) days after receiving notice from an employee of a conviction under this provision, the

City will take appropriate action against the employee, up to and including termination, or will require the employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for those purposes in accordance with federal Drug-Free Workplace requirements.

b. *CDL Holders*. Any employees who are required by the City to maintain a commercial driver license in order to perform his/her job, must notify an immediate supervisor of any state, county or municipal violation (other than parking) within thirty (30) days of conviction, and report any license suspension/revocation, cancellation/disqualification or out of service order by the end of the business day after the driver receives notice. The employee is required to complete and submit the CDL conviction form to his/her immediate supervisor who will send the original copy to the Human Resources Department.

Section D. EMPLOYEE ASSISTANCE PROGRAM (EAP)

1. EAP Program

City shall maintain a contract Employee Assistance Program (EAP) which will provide counseling or referral for drug and alcohol abuse. The City shall provide a list of available resources for drug/alcohol counseling if the employee chooses to seek assistance outside the City's EAP. Applicable accumulated leave or leave without pay may be granted for treatment, counseling or rehabilitation under applicable ordinance provisions. It will be the employee's responsibility to comply with a City request for referral and diagnosis and to cooperate fully with any prescribed therapy.

Rehabilitation is the responsibility of the employee. In cases of mandatory referral to the EAP as part of a disciplinary disposition or in compliance with a federal rule, the City shall require the counseling agency to report to the City: (1) that the employee is attending the mandated counseling; (2) that the employee is arriving on-time to scheduled appointments and is cooperating with the counselor; (3) that the employee has completed counseling or therapy and is released by the counseling provider; and (4) if any medical leave is required.

2. Self Help

If, prior to any drug or alcohol testing or the occurrence of an event giving rise to a reasonable suspicion of current drug or alcohol use, an employee seeks help to refrain from drug or alcohol use, either by inquiry to the City or entering a counseling or rehabilitation program, then the City will assist the employee in locating and attending a suitable program and exercise care to maintain the confidentiality of the inquiry and program participation.

The employee shall not have his or her job security jeopardized solely because he or she has made a voluntary request for diagnosis and appropriate therapy for alcoholism or drug dependency. However, the City is concerned by those situations where use of alcohol or other drugs affects an employee's job performance, causes a potential safety problem or is detrimental to the City's business, and will take those actions that are required for the good of the City as a whole. Self-referral to a treatment program may not be used as a protection from supervisory actions taken as a result of job performance deficiencies.

The City may also grant the employee an appropriate leave of absence (generally not to exceed twelve weeks) or other reasonable accommodation so the employee can undergo a mutually agreed upon rehabilitation program. To the extent permitted by law, any leave or other accommodation

granted pursuant to this policy will, absent extenuating circumstances as determined by the City, be granted only once.

Section E. DRUG AND ALCOHOL TESTING

1. Testing Procedures

The procedures for collecting breath and urine specimens will be posted at the collection site. All drug tests shall be performed by a laboratory certified under the Department of Health and Human Services, Mandatory Guidelines for Federal Workplace Drug Testing Programs, 53 FR 11970, April 11, 1988, and subsequent amendments thereto.

a. *Specimen Collection Procedure.* The Human Resources Department will instruct applicants to report to the testing site. Employees will be instructed by the supervisor where and when to report for drug and/or alcohol testing. Employees will also be instructed that they must present a photo I.D. at the time of testing. In cases of Reasonable Suspicion Testing, the employee will be transported to the test facility or the City may request a breath or urine specimen collection at the worksite.

The procedures for collecting urine specimens will follow the procedures set out in 49 CFR Part 40 to safeguard the validity of test results, and ensure the integrity and identify of the urine specimen that is produced. Specimens will be sealed and marked at the time of collection in order to maintain an intact chain of custody. The procedure will also allow for individual privacy unless, in the determination of the City, the collector, or the MRO, there is reason to believe that an employee may alter or substitute the specimen. Breath alcohol testing will follow Federal Procedures to ensure accuracy, reliability and confidentiality. All specimens, breath and urine, will be accompanied by the appropriate intact and correctly completed chain of custody form.

If testing under this policy is ever required of an employee who is in need of medical attention, necessary medical attention will not be delayed in order to collect the test specimen. However, such an employee shall promptly, upon request from the City, provide the necessary authorization for obtaining hospital reports and records and any other information at the time the need for medical attention and/or testing arose.

b. *Testing Procedures.*

(i) Drug Testing. Drug testing will be performed on urine samples and will be compliant with federal DOT regulations. The initial test will be performed by the enzyme immunochemical assay method. All specimens identified as a positive test on the initial test will be confirmed using gas chromatography/mass spectrometry (GC/MS) techniques. A specimen will be treated as negative if the result of the initial test or the confirmatory test is negative. The City utilizes the Clinical Reference Laboratory in Lenexa, Kansas for DOT specimen testing.

Urine samples will be split samples so that if the original specimen test is positive, the employee may request the retained sample be tested. This request must be received by the MRO within 72 hours of employee's notice of a positive result. The split sample will be tested at a different DHHS Certified Laboratory. The City may request reimbursement for the cost of the test. If the split sample tests negative, the test will be determined to be negative.

(ii) Alcohol Testing. Alcohol use will be tested using Evidentiary Breath Testing Devices (EBT). Breath Alcohol testing requires the individual to provide a breath sample. Should the initial breath sample have a result of 0.02 percent blood alcohol content or greater, a confirmation test will be conducted within twenty (20) minutes. The confirmation test result takes precedence.

c. *Refusal to Test*. If an employee refuses to be tested or alters or attempts to alter the test sample, then such actions shall be treated as a positive test in addition to being a violation of this policy.

Behaviors constituting a test refusal: (1) failure to appear for a test in specified time frame (excludes pre-employment) (2) once test is underway, failure to remain at the testing site until the process is completed, (3) failure to provide volume of breath or urine without valid medical explanation, (4) failure to undergo a medical examination to verify insufficient volume, (5) failure to permit the observation or monitoring of specimen donation when so required, (6) failure to take an additional test required by the employer or collector, (7) failure to cooperate with any part of the testing process, (8) a drug test result that is verified by the MRO as adulterated or substituted, (9) possess or wear a prosthetic or other device that could be used to interfere with the collection process, (10) failure to sign the certification on Step 2 of the Alcohol Test Form (11) admit to the collector or MRO that you adulterated or substituted the specimen (12) tampering, adulterating, or substituting specimen (13) leaving the scene of an accident without just cause prior to submitting to a test.

2. Test Results

a. *Drug Test Results*. The MRO will review positive drug test results with the applicant or employee before reporting them to the City. The substances for which the test was positive will be identified. The MRO may advise the City of a positive test result without having communicated with the applicant or employee about the test results if the applicant or employee expressly declines the opportunity to discuss the results of the test, or if the applicant or employee cannot be reached after reasonable efforts, per 49 CFR Part 40 by either the MRO or the City's representative.

If the MRO determines there is a legitimate medical explanation for the positive test result, the MRO will report the test result to the City as negative.

The MRO may direct the City to conduct an immediate recollection of a negative dilute specimen under direct observation (because the creatinine concentration is at or lower than 2mg/dL to 5mg/dL). Otherwise, (if the creatinine concentration is greater than 5mg/dL) the City will consider a dilute negative as a negative result.

b. *Alcohol Test Results*. If an alcohol breath test results in a reading of 0.02 - 0.039 percent blood alcohol content, the individual shall not return to duty but shall be taken off duty and not returned to work for at least eight (8) hours, and must test below .02 percent alcohol concentration before returning to work. If an alcohol breath test results in a reading of 0.04 percent blood alcohol content or greater, in addition to the above the employee must meet with a SAP. This person shall determine when the employee may return to work.

c. *Confidentiality.* The results of a positive test shall be kept confidential from the general City work force and public, except that members of management may be made aware that the employee's drug test was positive. The results may be known to the test facility, the MRO, City's Designated Employer Representative, SAP and the employee. The City may use the results to determine the appropriate response to employee drug and/or alcohol use and to support its disciplinary or other actions or to defend the City in a Court or Administrative hearing.

The MRO, SAP and the City shall not release the individual test result of an employee to any unauthorized party without first obtaining written authorization from the tested individual or as required by law.

The employee may, upon written request, obtain copies of any records pertaining to the employee's use of prohibited drugs, including records pertaining to the employee's drug test. There shall be no charge for these records.

3. Actions Taken in Response to Test Results.

a. *Refusals.* An employee who refuses to be tested as provided for herein will be treated as having a positive test result and may be subject to disciplinary action up to and including termination. The employee shall be removed from duty, referred to a SAP, and will not be allowed to return to work until a Return to Duty process has been completed. Applicable accumulated leave or leave without pay may be granted for time away from work, treatment, counseling or rehabilitation under applicable ordinance provisions.

b. *Drug Tests.* An employee whose drug test result is reported as positive shall be removed from duty, referred to a SAP and shall be subject to disciplinary action up to and including dismissal. Employees will not be allowed to return to work in his or her position until a Return to Duty process has been completed. Applicable accumulated leave or leave without pay may be granted for time away from work, treatment, counseling or rehabilitation under applicable ordinance provisions.

c. *Alcohol Tests.*

i. Between .02 and .039 BAC. An employee whose breath test results in a reading of 0.02 – 0.039 percent breath alcohol content shall be immediately removed from duty and not allowed to return to work for at least eight (8) hours. If the employee is permitted to return to work after a positive result under this section, then he or she shall be tested again after at least eight (8) hours and must take a breath alcohol test with a result less than .02 percent blood alcohol concentration before returning to duty. An employee who has tested positive under this subsection shall be referred to a SAP for evaluation and may be subject to disciplinary actions up to and including dismissal.

ii. At .04 or Above BAC. An employee whose breath test results in a reading of 0.04 percent blood alcohol content or greater shall be immediately removed from duty. The employee will not be allowed to return to work until a Return to Duty process has been completed. Accumulated leave or leave without pay may be granted for time away from work, treatment, counseling or rehabilitation. Applicable accumulated leave or leave without pay may be granted for time away from work, treatment, counseling or rehabilitation under applicable ordinance provisions.

d. *Previous Positive Result.* An employee whose drug test result is reported to the City as positive or whose breath result is reported to the City as positive or whose breath test is 0.04 percent breath alcohol content or greater and who has previously had a positive drug test or breath alcohol test or who has had a previous mandatory referral for drug and alcohol counseling as required of these rules, will be terminated in accordance with 19-206.

e. *Rehabilitation Program Compliance.* If an employee fails to immediately begin an approved rehabilitation program and remain compliant with a rehabilitation agreement, successfully complete the program, participate in required or recommended after-care or otherwise fail to follow directives or instructions regarding the program, then the employee is in violation of this policy and may be subject to disciplinary action up to and including dismissal.

f. *Post Rehabilitation.* An employee who tests positive for illegal drugs or alcohol use of .04 or greater cannot return to work until he/she meets the following conditions:

- i. Successfully completes a City approved rehabilitation program or completes the initial phase of such program and continues to participate in any program after care required by the rehabilitation facility doctor and/or counselor.
- ii. No further use of a controlled substance or prohibited use of alcohol as indicated by a negative drug/alcohol Return to Duty test result at the time of release or before resuming work duties.
- iii. Obtains a full written release and recommendation to return to duty from the treatment facility doctor and/or counselor.
- iv. Agrees to be subject to post-rehabilitation unannounced follow-up testing as determined by the SAP for a minimum of 1 year, with at least 6 unannounced tests in the first year, and continue in the program for up to 5 years as deemed necessary by the SAP.

Section F. FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION EMPLOYEES

1. General

In addition to the general policies provided herein, all employees who perform safety-sensitive duties requiring a Commercial Driver's License (CDL), except City Transit employees, shall be subject to the rules of the Federal Motor Carrier Safety Administration regarding drug and alcohol testing, 49 CFR Part 382. These rules are available for review in the Human Resources Department. The prohibited substances for which employees are tested under the rules are: alcohol, marijuana, cocaine, opioids, amphetamines, heroin, and phencyclidine. A summary of those rules are included in this policy.

2. Prohibitions

Employees required to have a CDL for their job, except City Transit employees, are subject to the following prohibitions:

- a. No driver shall report to duty or remain on duty with a breath alcohol concentration of 0.02 percent or greater.
- b. No driver shall possess or use alcohol, including any medication with an alcohol component, while on duty.
- c. No driver shall be allowed to drive within four hours of using alcohol.
- d. A driver involved in an accident which requires an alcohol test may not use any alcohol until after the test is completed or eight hours has elapsed.
- e. No driver shall refuse to submit to any required drug or alcohol test required under these rules.

Refusal To Test includes any one of the following: (1) failure to appear for a test in specified time frame (excludes pre-employment) (2) once test is underway, failure to remain at the testing site until the process is completed, (3) failure to provide volume of breath or urine without valid medical explanation, (4) failure to undergo a medical examination to verify insufficient volume, (5) failure to permit the observation or monitoring of specimen donation when so required, (6) failure to take an additional test required by the employer or collector, (7) failure to cooperate with any part of the testing process, (8) a drug test result that is verified by the MRO as adulterated or substituted, (9) possess or wear a prosthetic or other device that could be used to interfere with the collection process, (10) failure to sign the certification on Step 2 of the Alcohol Test Form (11) admit to the collector or MRO that you adulterated or substituted the specimen (12) tampering, adulterating, or substituting specimen (13) leaving the scene of an accident without just cause prior to submitting to a test.

- f. No driver shall report for duty or remain on duty when using any drugs except those a physician has advised that the driver may use which will not adversely affect the driver's ability to operate a commercial motor vehicle.

3. Circumstances for Testing

Drivers covered under this Section are subject to the following drug and or alcohol tests:

- a. *Pre-employment Testing.* Pre-employment testing for controlled substances.
- b. *Post-Accident Testing.* Post-accident drug and alcohol tests will be conducted if the accident results in a death or when the driver was cited by the police if the accident involved: bodily injury to any person which requires medical treatment away from the scene or a vehicle incurs disabling damage and requires towing from the accident. Drivers will be subject to a drug test up to 32 hours after the accident. A supervisor shall prepare and maintain on file a record stating the reasons testing was not administered if this time limit is not met. Drivers are subject to an alcohol test within two hours of the accident but may be tested up to eight hours after the qualifying accident

if such delay is required. A supervisor shall prepare and maintain on file a record stating the reasons the test was not administered within the two hour limit. Records of post accident tests shall be submitted to the Federal Motor Carrier Safety Administration upon request.

c. *Random Testing.* Drivers are required to participate in random drug and alcohol test pools. The selection of drivers for random testing is accomplished by a computer-based random number generator which matches an employee's identification number; ensuring drivers shall have an equal chance of being tested each time selections are made. Random tests are unannounced and spread throughout the year. Once the employee is notified of test, he/she is to cease safety-sensitive functions and proceed to testing site as soon as possible. Alcohol testing may occur just before, during, or just after performing safety-sensitive duties, drug testing may occur anytime while on duty. The percentage of employees tested in the pool shall be determined annually by the FMCSA Administrator.

d. *Reasonable Suspicion Testing.* Drivers are subject to drug and/or alcohol testing when a trained supervisor observes behavior supporting a reasonable suspicion of alcohol or drug use. The supervisor's determination that reasonable suspicion exists must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver. Alcohol testing may occur just before, during or just after performing a safety-sensitive function, drug testing may occur at any time while on duty.

e. *Return to Duty Testing.* Before returning to safety-sensitive duty after being excluded because of drug or alcohol use, or a refusal to test, a driver must take an alcohol test resulting in less than .02 percent alcohol concentration and/or a verified negative drug screen. Return to Duty testing will be a direct observed collection.

f. *Follow-up Testing.* A driver referred to a SAP and subject to assistance or rehabilitation for drug or alcohol use shall be subject to such follow-up testing as directed by a SAP. Follow up testing shall include a minimum of 6 unannounced tests within the first 12 months and may extend up to 60 months from the date of the driver's return to duty. Follow up testing will be under a direct observed collection.

g. *Refusal to Test.* Refusal to test, as defined in this policy, shall be treated as a positive test. If a driver asserts an inability to provide a urine or breath specimen, and a physician concludes in writing that such an inability has no medical cause, the inability to provide such specimens shall be considered a refusal, thus a positive test. Drivers must be readily available for alcohol testing immediately before, during or just after performing safety-sensitive duties, testing for prohibited substances may be at any time.

4. Duties of Supervisors

Supervisors have the following specific duties:

a. Supervisors must produce drivers for post-accident drug testing within two hours, up to thirty two hours, and alcohol testing within two hours, up to eight hours, following the accident or document in writing why the driver was not tested. The driver may be given necessary medical treatment and if such treatment prevents normal drug or alcohol testing, the supervisor shall document and maintain a record stating the reasons testing was not completed and immediately inform Human Resources.

b. Whenever drug or alcohol tests are required under these rules, supervisors must produce the driver for these tests, and when current impairment is reasonably suspected, the supervisor shall not allow the employee to drive.

c. Observations supporting a supervisor's reasonable suspicion of drug or alcohol use must be made just before, during or just after the employee performs safety-sensitive work. These observations must be reduced to writing within 24 hours of the observation.

5. FMCSA Clearinghouse

a. *General.* The City and all employees covered by this Section are federally mandated to comply with the reporting requirements of the FMCSA Clearinghouse under 49 CFR Part 382. This includes the City's obligation to perform pre-employment queries for all applicants and annual queries for all employees.

b. *Consent to Clearinghouse Reports.* Employees subject to the FMCSA Clearinghouse shall provide the necessary consent for the City to perform clearinghouse queries, including electronic authorization for all full queries. If an employee fails to provide consent as required under this section, then the employee is unable to perform safety-sensitive functions under federal law and the employee will be removed from duty. The refusal to provide consent shall also be considered a violation under this policy and the employee may be subject to disciplinary action, including termination.

c. *Information Reported.* The following personal information is collected and maintained under 49 CFR Part 382 shall be reported to the Clearinghouse:

- i. A verified positive, adulterated, or substituted drug test;
- ii. An alcohol confirmation test with a blood alcohol concentration of 0.04 or higher;
- iii. A refusal, as defined in this policy, to submit to any drug or alcohol test of 49 CFR Part 382;
- iv. The City's report of "actual knowledge", as defined under 49 CFR § 382.107:
 - (A) On-duty alcohol use pursuant to § 382.205;
 - (B) Pre-duty alcohol use pursuant to § 382.207;
 - (C) Alcohol use following an accident pursuant to § 382.209; and
 - (D) Controlled substance use pursuant to § 382.213;
- v. The SAP report of the successful completion of the return-to-duty process;
- vi. A negative return-to-duty test; and

vii. The City's report of completion of follow-up testing.

6. Federal Rule Violations

Besides the penalties set out by the City for violations of these rules, the Federal rule violations have the following consequences:

a. No driver may drive if they have used a listed drug, no driver may drive within four hours of using alcohol or at any time when an alcohol test indicates an alcohol concentration of 0.02 percent or greater.

b. A driver violating these rules may not return to safety-sensitive function until evaluated and released by a SAP, and subsequently tested for alcohol and drugs with negative results.

c. A driver tested with an alcohol concentration greater than 0.02 percent and less than 0.04 percent may not drive or perform other safety-sensitive functions for not less than 24 hours after the administration of the test, and must test .02 percent or below before being allowed to return to safety-sensitive functions.

d. Federal Civil penalties for breach of the Federal rules range between \$1,000 to \$10,000 for each offense. Federal criminal penalties for violations of the Federal rules range between \$1 and \$25,000 for each offense or up to 1 year imprisonment for each offense.

SECTION G. CITY TRANSIT EMPLOYEES

1. General

In addition to the general provisions herein, City employees employed to operate a revenue service vehicle at any time, in revenue service or not, controlling the dispatch or movement of a revenue service vehicle or maintaining a revenue service vehicle, are subject to the rules of the Federal Transit Administration governing drug and alcohol testing (49 CFR 655). Covered employees are required to submit to drug and alcohol tests as a condition of employment in accordance with Part 655. These rules are available for review in the Human Resources Department. Employees performing these safety-sensitive functions are subject to testing for the following prohibitive substances: alcohol, opiates, phencyclidine, marijuana, cocaine, and amphetamines. A summary of those rules follows:

2. Prohibitions

A transit employee performing a safety-sensitive function is subject to the following prohibitions:

a. No employee shall report to work or continue working after using a prohibited drug.

b. No employee shall report to work or continue to perform a safety-sensitive function with an alcohol concentration of 0.02 percent or greater.

c. No employee shall use alcohol while at work in a safety-sensitive function.

d. No employee shall use alcohol within four hours of reporting to work or anytime while not at work but on call for work.

e. No employee may use alcohol for eight hours following an accident or until they have taken a post-accident alcohol test.

f. No employee shall continue working in a safety-sensitive transit function if they have tested positive for drugs or alcohol, or if they have refused to take a drug or alcohol test, until they have completed the Return to Duty process (per 49 CFR part 40) and test negative for drugs and less than .02 percent alcohol concentration.

3. Additional Definitions

For purposes of transit operations, the following terms are defined as set out:

a. *Accident*: An occurrence associated with the operation of a vehicle, if as a result:

i. An individual dies; or

ii. An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident; or

iii. With respect to an occurrence in which the transit vehicle involved is a bus, electric bus, van or automobile, one or more vehicles involved incurs disabling damage and is transported away from the scene by tow truck or other vehicle; or

iv. With respect to an occurrence in which the mass transit vehicle involved is a rail car, trolley car, trolley bus, or vessel, the transit vehicle is removed from operation.

b. *Safety-sensitive* function:

i. Operating a revenue service vehicle, including when not in revenue service;

ii. Operating a non-revenue service vehicle when such operation requires a Commercial Driver's License;

iii. Controlling dispatch or movement of a revenue service vehicle;

iv. Maintaining a revenue service vehicle or equipment used in revenue service.

- v. Carrying a firearm for security purposes.

4. Circumstances of Testing

Transit safety-sensitive employees are subject to the following drug and alcohol tests:

a. *Pre-employment testing.* A person may not be hired or transferred into a safety-sensitive function until the person has a verified negative result on a pre-employment drug test. Covered employees or applicants who have not performed a safety-sensitive duty for 90 consecutive calendar days regardless of the reason, and that have not been in the City of Columbia random selection pool during that time, must complete a pre-employment test with a verified negative result prior to performing safety-sensitive duties. If the employee or applicant has previously failed or refused a DOT pre-employment drug test, the employee/applicant must provide the City of Columbia proof of successfully completing a return to duty process including referral, evaluation, and treatment plan.

b. *Reasonable suspicion tests.* Employees performing safety-sensitive functions are subject to drug and alcohol testing when one or more supervisors trained under these rules has reasonable suspicion, based upon contemporaneous, articulable observations regarding the appearance, behavior, speech or body odors of the employee, that the employee has used alcohol or a prohibited drug. Alcohol testing may occur just before, during or just after performing a safety-sensitive function, drug testing may occur any time while on duty.

c. *Post-accident testing.*

i. In the case of a fatal accident. As soon as practicable following a fatal accident, the employee operating a mass transit vehicle at the time of the accident shall be given alcohol and drug tests. Any other covered employee whose performance could have contributed to the accident shall be given drug and alcohol tests as determined using the best information available at the time of the decision.

ii. In the case of a non-fatal accident. As soon as practicable following the accident, the employee operating a mass transit vehicle and any other covered employee whose performance could have contributed to the accident, shall be given drug and alcohol tests unless the supervisor determines using the best available information at the time of determination that the employee's performance can be completely discounted as a cause of the accident.

iii. Safety-sensitive employees must remain readily available for post-accident testing. An employee who fails to remain readily available or accessible for testing, including notifying the supervisor of his/her location if he or she leaves the scene of a qualifying accident before submitting to such test, may be considered a refusal to test. Alcohol testing must occur within 2 hours, up to 8 hours, drug testing must occur within 32 hours, if testing is not administered within the required times, the supervisor shall document and maintain a record stating reasons the testing was not administered. Records shall be

submitted to FTA upon request of the Administrator. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident or to prohibit a covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

f. *Random testing.* Employees performing safety-sensitive functions are subject to random drug and alcohol testing. The random selection method is a computer based random number generator which is matched with employee's identification numbers. Each transit employee has an equal chance of being tested each time selections are made. Random test dates will be unannounced and reasonably spread throughout the year and hours worked. Alcohol testing may occur just before, during or just after performing a safety-sensitive function, prohibited drug use testing may be anytime while on duty. When notified of random testing, employees must cease safety-sensitive functions as soon as possible and immediately report for testing within thirty minutes of notification. Transit's random pool is tested at an annual rate determined by the Federal Transit Administrator.

g. *Return to Duty testing.* Any employee performing safety-sensitive functions who has failed a drug test or refused to test, refused an alcohol test or who has alcohol tested with a breath alcohol content of 0.04% or greater shall be required to undergo a Return to Duty drug or alcohol test before returning to safety-sensitive functions. The results of these tests must be negative for drugs and/or a blood alcohol content of less than 0.02%. Return to duty drug test will be a direct observed collection.

h. *Follow-up testing.* Transit employees performing safety-sensitive functions that have satisfactorily completed the SAP's recommendations and have a negative result on a Return to Duty test shall be subject to such follow-up testing as directed by the SAP. There will be a minimum of six unannounced follow-up tests within the first 12 months following a negative return to duty test and the follow up testing period may last up to 60 months. Follow up drug tests will be a direct observed collection.

i. Employees to be tested under the authority of Federal Transit Rules shall be informed the tests are mandated by those rules. Employees must report to the test site immediately after notified to test. Failure to so report shall be reported to the City's transit authority.

5. Violations

Besides the penalties set out by the City for violations of these rules, Federal rule violations have the following consequences:

a. Employees testing positive for drugs will be immediately relieved from safety-sensitive functions, and will not be allowed to return to work in either safety or non-safety-sensitive duties until evaluated and released by a SAP and must test negative on a Return to Duty test. Applicable accumulated leave or leave without pay may be granted for time away from work, treatment, counseling or rehabilitation under applicable ordinance provisions.

b. Employees testing 0.04% blood alcohol concentration or greater shall be relieved from safety-sensitive functions, and will not be allowed to return to work in either safety or non-safety-sensitive duties until referred to a SAP and shall not be returned to duty until evaluated and released by the SAP and testing less than 0.02% blood alcohol concentration on a Return To Duty Test. Applicable accumulated leave or leave without pay may be granted for time away from work, treatment, counseling or rehabilitation under applicable ordinance provisions.

c. Employees testing 0.02% to .039% blood alcohol concentration shall be relieved from safety-sensitive duties and not returned to work for at least eight hours. Employees will not be allowed to work in either safety-sensitive or non-safety-sensitive positions during this 8 hour timeframe. Applicable accumulated leave or leave without pay may be granted for time away from work, treatment, counseling or rehabilitation under applicable ordinance provisions. The employee must take a breath alcohol test with a result of less than .02 % alcohol concentration before returning to duty.

d. Employees refusing to take a required drug or alcohol test, or refusing to provide a breath or urine sample shall be considered to have tested positive and will not be allowed to perform safety-sensitive duties. If an employee asserts that they are unable to provide a urine or breath specimen and a physician concludes in writing that such inability has no medical cause, the inability to provide a specimen shall be considered a refusal and, therefore, a positive test.

SECTION H. EMPLOYEE DRUG AND ALCOHOL EDUCATION

1. Policy Availability

The Drug and Alcohol Policy is available by way of the City's Intranet site or a copy of the policy may be obtained from Human Resources.

2. Training Materials

Safety-sensitive Employee Drug and Alcohol training materials shall include the following content:

a. The identity of the persons designated to answer employee questions about the City's rules and Federal testing programs.

b. Information explaining the effects of alcohol and drugs on health, work and personal life, the symptoms of alcohol or substance abuse.

c. Explanations of employee conduct which is prohibited by these rules and the circumstances under which an employee will be tested.

d. The drug and alcohol procedures.

e. An explanation of when testing is required by Federal rules and when it is required by City policy.

- f. Explanation of what constitutes a refusal to test.
- g. Explanation of the consequences of violations of these rules.
- h. Explanation of the consequences of having a breath alcohol concentration greater than 0.02 percent but less than 0.04 percent
- i. The name and contact information of an individual or organization(s) that can provide counseling and access to treatment programs.

3. Amount of Training

Safety-sensitive employees shall receive a minimum of 60 minutes of training in the effects of substance abuse. Training shall include explanation of DOT regulations governing drug and alcohol testing.

4. Supervisor Training

Safety-sensitive supervisors shall receive, in addition to the general employee information, a minimum of 60 minutes of training in alcohol misuse and 60 minutes of training in drug use. The training shall cover physical, behavioral, speech and performance indicators of drug and alcohol misuse.

SECTION I. ALCOHOL FACT SHEET

Alcohol is a socially acceptable drug that has been consumed throughout the world for centuries. It is considered a recreational beverage when consumed in moderation for enjoyment and relaxation during social gatherings. However, when consumed primarily for its physical and mood-altering effects, it is a substance of abuse. As a depressant, it slows down physical responses and progressively impairs mental functions.

1. Signs and Symptoms of Use

Dulled mental processes; lack of coordination; odor of alcohol on breath; possible constricted pupils; sleepy or stuporous condition; slowed reaction rate; and slurred speech. (Note: Except for the odor, these are general signs and symptoms of any depressant substance.)

2. Health Effects

The chronic consumption of alcohol (average of three servings per day of beer [12 ounces], whiskey [1 ounce], or wine [6 ounce glass]) over time may result in the following health hazards:

Decreased sexual functioning

Dependency (up to 10 percent of all people who drink alcohol become physically and /or

mentally dependent on alcohol and can be termed an alcoholic)

Fatal liver diseases

Increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma

Kidney disease Pancreatitis

Birth defects (up to 54 percent of all birth defects are alcohol related) Spontaneous abortion and neonatal mortality

Ulcers

3. Social Issues

Two-thirds of all homicides are committed by people who drink prior to the crime.

Two to three percent of the driving population is legally drunk at any one time. This rate is doubled at night and on weekends.

Two-thirds of all Americans will be involved in an alcohol-related vehicle accident during their lifetimes.

The rate of separation and divorce in families with alcohol dependency problems is 7 times the average.

Forty percent of family court cases are alcohol problem related.

Alcoholics are 15 times more likely to commit suicide than are other segments of the population.

More than 60 percent of burns, 40 percent of falls, 69 percent of boating accidents, and 76 percent of private aircraft accidents are alcohol related.

4. The Annual Toll

24,000 people will die on the highway due to the legally impaired driver.

12,000 more will die on the highway due to the alcohol-affected driver.

15,800 will die in non-highway accidents.

30,000 will die due to alcohol-caused liver disease.

10,000 will die due to alcohol-induced brain disease or suicide. Up to another 125,000 will die due to alcohol-related conditions or accidents.

5. Workplace Issues

Impairment in coordination and judgment can be objectively measured with as little as two drinks in the body.

A person who is legally intoxicated is 6 times more likely to have an accident than a sober person.

Alcohol abuse accounts for 500 million lost work days per year. It takes 1 hr. for the average person (150 lbs.) to process one serving of an alcoholic beverage from the body.

SECTION J. PENALTIES

If an employee violates any provision of this drug and alcohol policy or applicable Federal Drug and Alcohol rules or fails to do anything required under the Policy or these Rules, the employee may be subject to disciplinary action up to and including termination and/or may be required as a condition of continued employment to attend a drug and/or alcohol rehabilitation program approved by the City on the employee's time and at the employee's expense.

DIVISION 3. COLUMBIA TERMINAL RAILROAD EMPLOYEES DRUG AND ALCOHOL POLICY

SECTION A. GENERAL

City employees who perform safety sensitive/covered service duties, as outlined by the Federal Railroad Administration, shall be subject to the federal regulations of 49 CFR 219. These rules are available for review in Human Resources.

This railroad, Columbia Terminal Railroad, and the City of Columbia recognize the problem of substance abuse, both in drugs and alcohol, in today's society. As an employer who is subject to governmental regulations and seeks to promote the safety of its employees and the public, willingly complies with Federal regulations that are designed to restrict and prohibit the unauthorized use of drugs and alcohol on its property. The City of Columbia will comply with the United States Department of Transportation (DOT) and Federal Railroad Administration (FRA) regulations and all statutes and regulations administered by the FRA in implementing the required Part 219 Drug and Alcohol Program.

In accordance with the applicable Federal regulations, this railroad prohibits persons who perform work covered by the Federal hours of service laws (see 49 U.S.C. §§ 21101- 21108) AND/OR PERFORMING DUTIES AS Maintenance-of-Way (MOW) workers as described in the definition of "Roadway Worker" in 49 CFR § 214.7 are prohibited from using or possession of illegal substances or alcohol while on duty. No employee may use alcohol for whichever is lesser of the following periods: within four hours of reporting for regulated service or after receiving notice to report for regulated service. Additionally, controlled substance use is prohibited at any time **on or off duty**, except as allowed in 49 CFR § 219.103.

§219.5 Definitions.

Administrator means the Administrator of the Federal Railroad Administration or the Administrator's delegate.

Alcohol means the intoxicating agent in a beverage including alcohol, ethyl alcohol or other low molecular weight alcohols.

Alcohol Use means the consumption of a beverage, mixture, or preparation, including any medication, containing alcohol.

Associate Administrator means the Associate Administrator for Railroad Safety, Federal Railroad Administration, or the Associate Administrator's delegate.

Category of regulated employee means a broad class of either covered service or maintenance-of-way employees (as defined in this section). For the purpose of determining random testing rates under §219.625, if an individual performs both covered service and maintenance-of-way activities, he or she belongs in the category of regulated employee that corresponds with the type of regulated service comprising more than 50 percent of his or her regulated service.

Contractor means a contractor or subcontractor performing functions for a railroad.

Controlled Substance has the meaning assigned by 21 U.S.C. 802, and includes all substances listed on Schedules I through V as they may be revised from time to time (21 CFR parts 1301-1316).

Covered employee means an employee (as defined in this section to include an employee, volunteer, or probationary employee performing activities for a railroad or a contractor to a railroad) who is performing covered service under the hours of service laws at 49 U.S.C. 21101, 21104, or 21105 or who is subject to performing such covered service, regardless of whether the person has performed or is currently performing covered service. (An employee is not a “covered employee” under this definition exclusively because he or she is an employee for purposes of 49 U.S.C. 21106.) For the purposes of pre-employment testing only, the term “covered employee” includes a person applying to perform covered service in the United States.

Covered service means service in the United States as a train employee, a dispatching service employee, or a signal employee, as those terms are defined at 49 U.S.C. 21101, but does not include any period the employee is relieved of all responsibilities and is free to come and go without restriction.

DOT, The Department, or DOT agency means all DOT agencies, including, but not limited to, the Federal Aviation Administration (FAA), the Federal Railroad Administration (FRA), the Federal Motor Carrier Safety Administration (FMCSA), the Federal Transit Administration (FTA), the National Highway Traffic Safety Administration (NHTSA), the Pipeline and Hazardous Materials Safety Administration (PHMSA), the United States Coast Guard (USCG) (for purposes of part 40 coverage only), and the Office of the Secretary (OST). These terms include any designee of a DOT agency.

DOT-regulated employee means any person who is designated in a DOT agency regulation as subject to drug testing and/or alcohol testing. The term includes individuals currently performing DOT safety-sensitive functions designated in DOT agency regulations and applicants for employment subject to pre-employment testing. For purposes of drug testing conducted under the provisions of 49 CFR part 40, the term employee has the same meaning as the term “donor” as found on the Custody and Control Form and related guidance materials produced by the Department of Health and Human Services.

DOT safety-sensitive duties or DOT-safety sensitive functions means functions or duties designated by a DOT agency, the performance of which makes an individual subject to the drug testing and/or alcohol testing requirements of that DOT agency. For purposes of this part, regulated service has been designated by FRA as a DOT safety-sensitive duty or function.

Drug means any substance (other than alcohol) that has known mind- or function-altering effects on a human subject, specifically including any psychoactive substance and including, but not limited to, controlled substances.

Drug and Alcohol Counselor or DAC means a person who meets the credentialing and qualification requirements described in §242.7 of this chapter.

Employee means any individual (including a volunteer or a probationary employee) performing activities for a railroad or a contractor to a railroad.

Evacuation means the mandatory or voluntary relocation of at least one person who is not a railroad employee for the purpose of avoiding exposure to a hazardous material release. It does not include the closure of public transportation roadways for the purpose of containing a hazardous material release, unless the closure is accompanied by an evacuation order.

Flagman or Flagger means any person designated by the railroad to direct or restrict the movement of trains past a point on a track to provide on-track safety for maintenance-of-way employees, while engaged solely in performing that function.

Fouling a track means the placement of an individual or an item of equipment in such proximity to a track that the individual or equipment could be struck by a moving train or on-track equipment, or in any case is within four feet of the field side of the near running rail.

FRA representative means the Associate Administrator for Railroad Safety of FRA and staff, the Associate Administrator's delegate (including a qualified State inspector acting under part 212 of this chapter), the Chief Counsel of FRA, the Chief Counsel's delegate, or FRA's Drug and Alcohol Program oversight contractor.

Highway-rail grade crossing means:

- (1) A location where a public highway, road, or street, or a private roadway, including associated sidewalks, crosses one or more railroad tracks at grade; or
- (2) A location where a pathway explicitly authorized by a public authority or a railroad carrier that is dedicated for the use of non-vehicular traffic, including pedestrians, bicyclists, and others that crosses one or more railroad tracks at grade. The term "sidewalk" means that portion of a street between the curb line, or the lateral line of a roadway, and the adjacent property line or, on easements of private property, that portion of a street that is paved or improved and intended for use by pedestrians.

Highway-rail grade crossing accident/incident means any impact between railroad on-track equipment and a highway user at a highway-rail grade crossing. The term “highway user” includes pedestrians, as well as automobiles, buses, trucks, motorcycles, bicycles, farm vehicles, and all other modes of surface transportation motorized and un- motorized.

Impact accident, (1) Impact accident means a train accident, as defined in this section, consisting either of—

- (i) A head-on or rear-end collision between on-track equipment;
- (ii) A side collision, derailment collision, raking collision, switching collision, or “other impact accident,” as defined by this section;
- (iii) Impact with a deliberately-placed obstruction, such as a bumping post (but not a derail); or
- (iv) Impact between on-track equipment and any railroad equipment fouling the track, such as an impact between a train and the boom of an off-rail vehicle.

(2) The definition of “impact accident” does not include an impact with naturally- occurring obstructions such as fallen trees, rock or snow slides, livestock, etc.

Joint operations means rail operations conducted by more than one railroad on the same track (except for minimal joint operations necessary for the purpose of interchange), regardless of whether such operations are the result of contractual arrangements between the railroads, order of a governmental agency or a court of law, or any other legally binding directive. For purposes of this part only, minimal joint operations are considered necessary for the purpose of interchange when:

- (1) The maximum authorized speed for operations on the shared track does not exceed 20 mph;
- (2) Operations are conducted under operating rules that require every locomotive and train to proceed at a speed that permits stopping within one half the range of vision of the locomotive engineer;
- (3) The maximum distance for operations on the shared track does not exceed 3 miles; and
- (4) Any operations extending into another railroad's yard are for the sole purpose of setting out or picking up cars on a designated interchange track.

Maintenance-of-way employee or MOW employee means a roadway worker as defined in §214.7 of this chapter.

Medical facility means a hospital, clinic, physician's office, or laboratory where post-accident toxicological testing specimens can be collected according to recognized professional standards, and where an individual's post-accident medical needs can be attended to.

Non-peer means a supervisor (other than a co-worker), labor organization representative, or family member of a regulated employee.

On-track or fouling equipment means any railroad equipment that is positioned on the rails or that is fouling the track, and includes, but is not limited to, the following: A train, locomotive, cut of cars, single car, motorcar, yard switching train, work train, inspection train, track motorcar, highway-rail vehicle, push car, crane, or other roadway maintenance machine, such as a ballast tamping machine, if the machine is positioned on or over the rails or is fouling the track.

Other impact accident means an accident or incident, not classified as a head-on, rear-end, side, derailment, raking, or switching collision that involves contact between on-track or fouling equipment. This includes impacts in which single cars or cuts of cars are damaged during operations involving switching, train makeup, setting out, etc.

Person means an entity of any type covered under 1 U.S.C. 1, including but not limited to the following: A railroad; a manager, supervisor, official, or other employee or agent of a railroad; any owner, manufacturer, lessor, or lessee of railroad equipment, track, or facilities; any independent contractor providing goods or services to a railroad, such as a service agent performing functions under part 40 of this title; and any employee of such owner, manufacturer, lessor, lessee, or independent contractor.

Plant railroad means a plant or installation that owns or leases a locomotive, uses that locomotive to switch cars throughout the plant or installation, and is moving goods solely for use in the facility's own industrial processes. The plant or installation could include track immediately adjacent to the plant or installation if the plant railroad leases the track from the general system railroad and the lease provides for (and actual practice entails) the exclusive use of that trackage by the plant railroad and the general system railroad for purposes of moving only cars shipped to or from the plant. A plant or installation that operates a locomotive to switch or move cars for other entities, even if solely within the confines of the plant or installation, rather than for its own purposes or industrial processes, will not be considered a plant railroad because the performance of such activity makes the operation part of the general railroad system of transportation.

Railroad property damage or damage to railroad property means damage to railroad property (specifically, on-track equipment, signals, track, track structure, or roadbed) and must be calculated according to the provisions for calculating costs and reportable damage in the FRA Guide for Preparing Accident/Incident Reports (see §225.21 of this chapter for instructions on how to obtain a copy). Generally, railroad property damage includes labor costs and all other costs to repair or replace in-kind damaged on-track equipment, signals, track, track structures (including bridges and tunnels), or roadbed. (Labor costs that must be accounted for include hourly wages, transportation costs, and hotel expenses.) It does not include the cost of clearing a wreck; however, additional damage to the above-listed items caused while clearing the wreck must be included in the damage estimate. It also includes the cost of rental and/or operation of machinery such as cranes and bulldozers, including the services of contractors, to replace or repair the track right-of-way and associated structures. Railroad property damage does not include damage to lading.

Trailers/containers on flatcars are considered to be lading and damage to these is not to be included in on-track equipment damage. Damage to a flat car carrying a trailer/container, however, is included in railroad property damage. Railroads should refer directly to the FRA Guide for Preparing Accident/Incident Reports for additional guidance on what constitutes railroad property damage.

Raking collision means a collision between parts or lading of a consist on an adjacent track, or with a structure such as a bridge.

Regulated employee means a covered employee or maintenance-of-way employee who performs regulated service for a railroad subject to the requirements of this part.

Regulated service means covered service or maintenance-of-way activities, the performance of which makes an employee subject to the requirements of this part.

Responsible railroad supervisor means any responsible line supervisor (e.g., a trainmaster or road foreman of engines) or superior official in authority over the regulated employees to be tested.

Side collision means a collision at a turnout where one consist strikes the side of another consist.

Tourist, scenic, historic, or excursion operations that are not part of the general railroad system of transportation means a tourist, scenic, historic, or excursion operation conducted only on track used exclusively for that purpose (i.e., there is no freight, intercity passenger, or commuter passenger railroad operation on the track).

Train accident means a rail equipment accident described in §225.19(c) of this chapter involving damage in excess of the current reporting threshold (see §225.19(e) of this chapter), including an accident involving a switching movement. Rail equipment accidents include, but are not limited to, collisions, derailments, and other events involving the operations of on-track or fouling equipment (whether standing or moving).

Train incident means an event involving the operation of railroad on-track or fouling equipment that results in a casualty but in which railroad property damage does not exceed the reporting threshold.

Watchman/lookout means an employee who has been annually trained and qualified to provide warning of approaching trains or on-track equipment. Watchmen/lookouts must be properly equipped to provide visual and auditory warning by such means as a whistle, air horn, white disk, red flag, lantern, or fusee. A watchman/lookout's sole duty is to look out for approaching trains/on-track equipment and provide at least fifteen seconds advanced warning to employees before the arrival of trains/on-track equipment.

Programs have been established on this railroad which requires regulated employees to demonstrate their safety posture through complying with:

1. Urine screens to detect the presence of marijuana, cocaine, opioids, phencyclidine and amphetamines (See 49 CFR § 40.85 and 49 CFR § 40.87);
2. Breath alcohol tests to detect the unauthorized use of alcohol; and
3. Breath, urine, blood and tissue (fatality) testing after qualifying FRA post-accident events.

This program applies to all employees who are subject to the Federal hours of service laws (i.e. operating employees or covered service employees, including contractors and volunteers) **and/or** employees, contractors or volunteers performing duties as Maintenance-of-Way (MOW) workers as described in the definition of “Roadway Worker” in 49 CFR § 214.7. Regulated service employees are required to be in compliance with the applicable sections of Part 219 when they are on duty and are required to perform or are available to perform regulated service.

This railroad has a total of 4 regulated service employees (including volunteers and contractors) who perform “**Hours of Service**” duties.

This railroad has a total of 1 regulated service employees (including volunteers and contractors) who perform “**Roadway Worker**” duties.

The following classes or crafts of employees listed are subject to regulated service on this railroad, and to applicable sections of Part 219:

Railroad Operations Manager
Railroad Operator Maintenance
Specialist Skilled Service
Worker

Name of contractor: Travis Eichelberger – Terminal Railroad Association

Address: 1017 Olive Street, 5th Floor, St. Louis, MO 63101

Phone: 314-539-4705

Mr. Eichelberger is employed as a signal maintainer for the Terminal Railroad Association and is in the Terminal Railroad Association’s testing pool.

Nothing in this Policy shall be construed to:

1. Require payment by the City of Columbia or Columbia Terminal Railroad of compensation for any period an employee is out of service under a voluntary referral or co-worker report policy;
2. Require the City of Columbia or Columbia Terminal Railroad to adhere to a voluntary referral or co-worker report policy in a case where the referral or report is made for the purpose, or with the effect, of anticipating the imminent and probable detection of a rule violation by a supervising employee; or
3. Limit the discretion City of Columbia or Columbia Terminal Railroad to dismiss or otherwise discipline an employee for specific rule violations or criminal offenses, except as specifically provided by Federal Law.

Section B. IDENTIFYING INFORMATION

Note: If any of the following personnel or entities change, the railroad is obligated to send FRA a change notice.

Railroad Name: Columbia Terminal Railroad and the City of Columbia
Address: 6501 N Browns Station Rd, PO Box 6015, Columbia MO 65205
Phone: 573-441-5561
E-Mail: Shane.Riley@como.gov

Designated Employer Representative: Name: Jenny Workman
Address: 600 E. Broadway, PO Box 6015, Columbia MO 65205
Phone: 573-874-6392
E-Mail: jenny.workman@como.gov

Medical Review Officer:
Name: Dr. Dean Breshears
Address: 7104 County Rd. #108, Fulton, MO 65251
Phone: 573-220-0987 or 573-642-4004

Testing Laboratory Name: Clinical Reference Laboratory
Address: 8433 Quivara, Lenexa, KS 66215
Phone: 800-445-6917

The name of our consortium/third party administrator (C/TPA) is:
Mid-Missouri Drug Testing Collections, Inc.
Address: PO Box 538, Ashland, MO 65010
Contact Person: Charles Johnson, Consortium Manager
Phone: 573-632-4495 or 573-234-1872

Section C. ALCOHOL AND DRUG USE PROHIBITED (49 CFR §219.101):

No employee may use or possess alcohol or any controlled substance while assigned by a railroad to perform regulated service. No employee may report for regulated service, or go or remain on duty in regulated service while under the influence of or impaired by alcohol or having 0.02 percent (Federal violation at 0.04 percent or more) or more alcohol concentration in their breath or blood.

No employee may report for regulated service, or go or remain on duty in regulated service while:

- Under the influence of or impaired by alcohol; or
- Having 0.02 percent (Federal violation at 0.04 percent or more) or more alcohol concentration in their breath or blood; or
- Under the influence of or impaired by a controlled substance.

No employee may use alcohol for whichever is the lesser of the following periods:

- Within four hours of reporting for regulated service; or
- After receiving notice to report for regulated service
- No employee tested under Part 219 whose test results indicates an alcohol concentration of 0.02 percent or greater but less than 0.04 percent may perform or continue to perform regulated service functions for a railroad, nor may a railroad permit the employee to perform or continue to perform regulated service, until the start of the employee's next regularly scheduled duty period, but not less than 8 hours following administration of the test.

Prohibition on Abuse of Controlled Substances (49 CFR § 219.102):

No employee who performs regulated service may use a controlled substance at any time, whether on duty or off duty, except as permitted by 219.103.

Use of Prescribed or Over-the-Counter Drugs (49 CFR § 219.103):

Part 219 subpart C does not prohibit the use of a controlled substance (on Schedules II through V of the controlled substance list) prescribed by a medical practitioner, or possession incident to such use, if:

- The treating medical practitioner or a physician designated by the railroad has made a good faith judgment, with notice of the employee's assigned duties and on the basis of the available medical history, that use of the substance by the employee at the prescribed or authorized dosage is consistent with the safe performance of the employee's duties;
- The substance is used at the dosage prescribed or authorized; and
- In the event the employee is being treated by more than one medical practitioner, at least one treating medical practitioner has been informed of all medications authorized or prescribed and has determined that use of the medications is consistent with the safe performance of the employee's duties (and the employee has observed any restrictions imposed with respect to use of the medications in combination).

Section D. TRAINING

Supervisor Training (49 CFR § 219.11 (g)):

Each supervisor responsible for regulated employees (except a working supervisor within the definition of co-worker under this part) must have training in the recognition of signs and symptoms of alcohol and drug influence, intoxication and misuse consistent with a program of instruction to be made available for inspection upon demand by FRA. Such a program shall, at a minimum, provide information concerning the acute behavioral and apparent physiological effects of alcohol and the major drug groups on

the controlled substances list. The program should also cover supervisor responsibilities for “Rule G” observations under Part 217 and subsequent action such as reasonable suspicion testing.

The program must also provide training on the qualifying criteria for post-accident testing contained in subpart C of Part 219, and the role of the supervisor in post-accident decisions and collections described in subpart C and Appendix C to Part 219.

Employee Training:

This railroad will provide educational materials that clearly explain the requirements of Part 219, and the railroad’s policies, prohibitions, and procedures with respect to meeting those requirements. A copy of this plan and any other educational materials will be distributed to each regulated service employee and to each person subsequently hired for or transferred to a regulated service position. At the end of the policy, there is an employee educational handout that was developed jointly by FRA, the Association of American Railroads, the American Short Line & Regional Railroad Association, and railroad labor organizations which helps to explain railroad alcohol/drug testing. This railroad will also provide written notice to representatives of employee organizations of the availability of this information per 49 CFR § 219.23.

Section E CIRCUMSTANCES FOR TESTING REGULATED SERVICE EMPLOYEES

Pre-Employment Drug Testing – (49 CFR § 219.501) Applicants will be informed that all individuals this company will use for regulated service must be drug-free. Passing a Federal pre-employment drug test is a condition prior to performing regulated service duties. If an applicant refuses to submit to the drug test, or tests positive on the drug test, the applicant will not be considered qualified to perform regulated service and will not be offered a position in regulated service.

Federal Reasonable Suspicion Testing – (49 CFR § 219.301)

Regulated service personnel will be required to submit to a Federal drug and/or alcohol test whenever a properly trained supervisory employee of this railroad has reasonable suspicion that a regulated employee is currently under the influence of or impaired by a controlled substance or alcohol. Reasonable suspicion must be based on specific, contemporaneous personal observations the supervisor can articulate concerning the employee’s appearance, behavior, speech, body odor, chronic effects or withdrawal effects. The observations must be made by at least one qualified supervisor [49 CFR § 219.11(g)] who has received proper training in the signs of alcohol use and/or at least two qualified (one of whom has been trained and is on-site) supervisors who have received proper training in the signs and symptoms of drug use, consistent with standards which meet the FRA regulatory requirements of 49 CFR § 219.11 (g). Documentation of this decision must be maintained, as required by Part 219 Subpart J.

If operating on tracks of another railroad, this railroad will coordinate with the host railroad and decide how the supervisor on the site will immediately communicate and coordinate decisions to test and who will administer the necessary testing. In all reasonable suspicion cases, the supervisor will ensure that the regulated service person is transported immediately to a collection site for a timely collection of a urine and/or breath specimen. If the regulated service person is deemed not fit to return to work, the supervisor will arrange transportation for the person.

Supervisors must document their observations that led them to decide there was a “reasonable suspicion” to have the regulated service person subjected to Federal drug and/or alcohol testing.

FRA Post-Accident Toxicological Testing:

Part 219 subpart C requires this railroad to collect certain employee’s urine, blood and/or breath specimens (tissue in the event of a fatality) after qualifying FRA Post-Accident events. This railroad will provide training on the qualifying criteria for post-accident testing contained in subpart C of this part and the role of the supervisor in post-accident collections described in subpart C and Appendix C to Part 219. Post-accident events are as follows:

1. Major Train Accident involving any rail equipment accident with reportable damages in excess of the current calendar year reporting threshold under 49 CFR Part 225 and one or more of the following:
 - a. A fatality (any fatality).
 - b. A release of hazardous materials from railroad “lading” that results in an evacuation or reportable injury caused by the hazmat release.
 - c. Damage to railroad property of \$1.5 Million or more.
2. Impact Accident involving reportable damage in excess of the current reporting threshold that results in:
 - a. A reportable injury; or
 - b. Damage to railroad property of \$150,000 or more.
3. Fatal Train Incident involving any on-duty railroad employee where damages do not exceed the current reporting threshold.
4. Passenger Train Accident with a reportable injury to any person in a train accident involving damage in excess of the current reporting threshold that involves a passenger train.

5. Human-Factor Highway-Rail Grade Crossing Accident/Incident meeting one of the following criteria:
- i. If regulated employee interfered with the normal functioning of a grade crossing signal system, in testing or otherwise, without first providing for the safety of highway traffic that depends on the normal functioning of such a system, as prohibited by § 234.209, is subject to testing.
 - ii. If train crewmember who was, or who should have been, flagging highway traffic to stop due to an activation failure of a grade crossing system, as provided § 234.105 (c)(3), is subject to testing.
 - iii. If regulated employee who was performing, or should have been performing, the duties of an appropriately equipped flagger (as defined in § 234.5), but who failed to do so, due to an activation failure, partial activation, or false activation of the grade crossing signal system, as provided by § 234.105 (c)(1) & (2), 234.106, or 234.107 (c)(1)(i), is subject to testing.
 - iv. If there is a fatality of any regulated service employee regardless of fault. (fatally injured regulated employee must be tested)
 - v. If regulated employee violates an FRA regulation or railroad operating rules and whose actions may have played a role in the cause or severity of the accident/incident, is subject to testing.

Testing Decision: For an accident that meets the criteria for a Major Train Accident, all assigned crew members of all involved trains and on-track equipment must be tested. For an Impact Accident, Fatal Train Incident, Passenger Train Accident or Human-Factor Highway-Rail Grade Crossing Accident/Incident, the railroad must exclude an employee if the responding railroad representative can immediately determine, on the basis of specific information, that the employee had no role in the cause(s) or severity of the accident/incident (considering any such information immediately available at the time). For a fatal train incident, the fatally injured employee cannot be excluded from being tested.

For all five types of accidents, in any case where an operator, dispatcher, signal maintainer or other regulated service employee is directly and contemporaneously involved in the circumstances of the accident/incident, those employees must also be required to provide specimens.

Exceptions from Testing: No test may be required in the case of a collision between railroad rolling stock (including any on-track equipment) and a motor vehicle or other highway conveyance at a rail/highway grade crossing, unless it meets the criteria set forth above in Item 5 (i-v).

No test may be required in the case of an accident/incident the cause and severity of which are wholly attributable to a natural cause (e.g., flood, tornado, or other natural disaster) or to vandalism or trespasser(s), as determined on the basis of objective and documented facts by the railroad representative responding to the scene.

- Collection of Urine and Blood Specimens: Employee specimens will be collected at a medical facility, i.e., hospital, clinic, physician's office, or laboratory where toxicological specimens can be collected according to recognized professional standards. Specimen collections will be accomplished using the FRA Post-Accident.

Toxicological Testing Kit. Specimens will be collected, packaged, and shipped via express courier service by the railroad. The shipping address is as follows:

Quest Diagnostics 1777
Montreal Circle
Tucker, GA 30084
1-800-729-6432
Fax: 678-406-1037

Implied Consent: Employee(s) required to participate in body fluid testing under subpart C of Part 219 (post-accident toxicological testing) consent to taking of specimens, their release for toxicological analysis under pertinent provisions of this part, and release of the test results to the railroad's Medical Review Officer by promptly executing a consent form, if required by the medical facility. The employee is not required to execute any document or clause waiving rights that the employee would otherwise have against the employer, and any such waiver is void. The employee may not be required to waive liability with respect to negligence on the part of any person participating in the collection, handling or analysis of the specimen or to indemnify any person for the negligence of others. Any consent provided consistent with this section may be construed to extend only to those actions specified in this section.

Any railroad employee who performs service for a railroad is deemed to have consented to removal of body fluid and/or tissue specimens necessary for toxicological analysis from the remains of such employee, if such employee dies within 12 hours of an accident or incident described in subpart C of Part 219 as a result of such event. This consent is specifically required of employees not in regulated service, as well as employees in regulated service.

Alcohol Testing Procedures

Breath alcohol testing will be performed by fully trained and certified Breath Alcohol Technicians (BAT) using the National Highway Traffic Safety Administration (NHTSA) approved testing devices. The results will be documented on an approved Federal Breath Alcohol Testing Form and will be signed by the employee and the BAT. At the time of the alcohol test, the employee will receive a copy of the test result, with an identical copy being sent to the railroad's DER.

- a. Negative results. The DER will be provided a copy of the negative test results.
- b. Positive results. The BAT will immediately and directly notify the railroad's DER if the test results are positive (0.02 percent or higher) who will take appropriate action to remove or restrict the employee from regulated service as required by Part 219.

Drug Test Results

Positive or Otherwise Non-Negative Results. If the laboratory reports the drug test result as POSITIVE or otherwise non-negative, the following procedures will be followed:

- a. The MRO will immediately inform the regulated service person of the result and offer the person the opportunity for an interview to discuss the test result. If the MRO has difficulty reaching the employee, the procedures set forth in 49 CFR § 40.131 will be followed.
- b. The MRO will complete and document the review as required by 49 CFR Part 40 Subpart G, determining if the external chain of custody was intact and if the person has a legitimate medical explanation for the presence of any controlled substance. In the case of an opiate positive, the MRO will also make the special determinations required by the regulation.
- c. If the MRO verifies the test result as positive, the MRO will report the result to the railroad's DER. If the MRO determines that the result is non-negative and the non-negative result cannot be explained, the appropriate regulatory action will be pursued. The MRO will report the verified test result in accordance with 49 CFR § 40.163. The MRO will not provide the DER with the quantitative test results unless the employee, as stipulated in the regulation, disputes the test.

Negative results. If the MRO has determined that the drug test is NEGATIVE, the MRO will accomplish the required administrative review and report the negative results to the railroad's DER in accordance with 49 CFR § 40.163.

Negative-dilute results. Unless the MRO directs a railroad to conduct a recollection under direct observation (for a result with creatinine from 2 to 5 mg/dL), per 40.197, a negative-dilute is considered a negative test.

Refusal To Test. Failure to remain available for FRA post-accident testing following an accident or casualty (i.e., being absent without leave) is considered a refusal to participate in testing, without regard to any subsequent provision of specimens. An employee who has been transported to receive medical care is not released from duty for purposes of this section. Nothing in this section prohibits the subsequent testing of an employee who has failed to

remain available for testing as required (i.e., who is absent without leave); but subsequent testing does not excuse such refusal by the employee to provide the required specimens in a timely manner.

For all types of Federal testing, an employee who refuses to cooperate to provide specimens as required by Part 219/40 “has refused to test” and must be withdrawn from regulated service and must be deemed disqualified for regulated service for a period of nine (9) months. What constitutes a “refusal to test” is described in 49 CFR § 40.191. The requirement of disqualification for nine (9) months does not limit any discretion on the part of the railroad to impose additional sanctions for the same or related conduct.

Confidentiality

- a. Medical information a regulated person provides to the MRO during the verification process is treated as confidential by the MRO and is not communicated to the railroad except as provided in Part 40.
- b. Confidentiality of Federal drug or alcohol testing results will be maintained as required by the regulations. For example:
 1. The laboratory observes confidentiality requirements as provided in the regulations. This railroad does not advise the laboratory of the identity of persons submitting specimens. The laboratory performing the testing must keep all records pertaining to the drug test for a period of two years.
 2. All test results will remain exclusively in the secure files of the MRO. The MRO will observe strict confidentiality in accordance with the regulations and professional standards. The MRO will retain the reports of individual test results as required in Part 219 Subpart J.
 3. The DER will maintain all test results reported by the MRO, both positive and negative, in secure storage. The results will be retained as required in Part 219 Subpart J. Other personnel will be informed of individual test results only in the case of positive tests and authorized only on a need-to-know basis.

Compliance with Testing Procedures

- a. All regulated service personnel/applicants requested to undergo a Federal drug and/or alcohol test are required to promptly comply with this request. This railroad expects all prospective and current regulated service personnel to exercise good faith and cooperation in complying with any procedures required under this policy. Refusal to submit to a Federal drug or alcohol test required under FRA rules, engaging in any conduct which jeopardizes the integrity of the specimen or the reliability of the test result, or any other violations of the prohibited conduct in 49 CFR 219.101 or 219.102 could subject the person to disciplinary action (up to and including termination),

independent and regardless of any test result. This includes failure to show up on time for a drug/alcohol test, failing to remain at the testing site until the testing process is complete, etc. (see 49 CFR § 40.191).

- b. All DOT Federal return-to-duty and follow-up urine specimens must be collected under direct observation (using the new direct observation procedures in 49 CFR § 40.67 (i)) when the regulatory service employee has had a previous positive Federal drug test result, or has previously refused to take a Federal test (including adulteration or substitution). Note that a SAP may also require return-to-duty and follow-up “drug” tests in addition to alcohol tests following an alcohol positive of 0.04 percent or greater.
- c. Direct Observation Urine Collection Procedures: The collector (or observer) must be the same gender as the employee. If the collector is not the observer, the collector must instruct the observer about the procedures for checking the employee for prosthetic or other devices designed to carry “clean” urine and urine substitutes AND for watching the employee urinate into the collection container. The observer will request the employee to raise his or her shirt, blouse or dress/skirt, as appropriate, above the waist, just above the navel; and lower clothing and underpants to mid-thigh and show the observer, by turning around, that the employee does not have such a device.
 - 1. If the employee has a device, the observer immediately notifies the collector; the collector stops the collection; and the collector thoroughly documents the circumstances surrounding the event in the remarks section of the testing form. The collector notifies the DER. This is a refusal to test.
 - 2. If the employee does not have a device, the employee is permitted to return his/her clothing to its proper position for the observed collection. The observer must watch the urine go from the employee’s body into the collection container. The observer must watch as the employee takes the specimen to the collector. The collector then completes the collection process.
 - 3. Failure of the employee to permit any part of the direct observation procedure is a refusal to test. As a minimum, a regulated service person will be removed from FRA regulated service for a minimum of nine months if there is a finding of “refusal to test.”

Positive Test Results

- a. Alcohol positive of 0.02 to 0.039: Regulated service personnel should receive written notification of test results which are other than negative. A Federal positive drug test or a Federal alcohol test result of 0.02 percent or greater or a refusal to test will result in immediate removal from regulated service under FRA regulations. A positive alcohol test of at least 0.02 percent but

less than 0.04 percent will result in the removal of the person from regulated service for at least eight hours.

- b. Federal violation: A regulated service person with an MRO verified positive drug test or a breath alcohol test result of 0.04 percent or greater (or a refusal) has violated Federal regulations and must be immediately removed from regulated service. Prior to or upon withdrawing the employee from regulated service, the railroad must provide notice to the employee of the reason for this action. If the employee denies that the test result is valid evidence of alcohol or drug use prohibited by 49 CFR Part 219.101 or 219.102, the employee may demand and must be provided an opportunity for a prompt post-suspension hearing. See 49 CFR § 219.104 © for the hearing provisions.

Even if the railroad does not wish to keep the employee in its employment, it must provide the above hearing (if requested) and at a minimum provide the employee with a list of qualified Substance Abuse Professionals. Prior to returning to regulated service the employee will be required to undergo an evaluation by a qualified Substance Abuse Professional (SAP) that is railroad approved, to determine the need for treatment and/or education. The employee will be required to participate and comply with the SAP-recommended treatment and any after-care or follow-up treatment that may be recommended or required.

After successful treatment, for a Federal positive drug test (or alcohol test result of 0.04 percent or greater), per the SAP's requirements, the person must provide a Federal return-to-duty urine specimen and/or breath specimen for testing (which is negative) prior to being allowed to return to regulated service. In addition, the person will be subject to additional unannounced Federal follow-up testing, as determined by the SAP, for a maximum period of 60 months, with a minimum of six tests being performed in the first twelve months (engineers and conductors – SAP will require a minimum of 6 drug tests and 6 alcohol tests in the first 12 months). Failure to comply with these provisions and remain alcohol and/or drug-free will result in subsequent removal from regulated service and could result in disciplinary action, up to and including termination.

Probationary and temporary employees whose breath test result is between 0.02 percent and 0.039 percent blood alcohol content will be terminated. A permanent employee who has a continuing pattern of breath test results between 0.02 percent and 0.039 percent blood alcohol content shall be referred to a SAP for evaluation and may be subject to disciplinary actions up to and including dismissal.

Probationary and temporary employees whose breath test result is 0.04 percent blood alcohol content or greater will be terminated. A permanent employee whose breath test result is 0.04 percent blood alcohol content or greater and who has previously had a positive drug test or breath alcohol will be terminated.

Probationary and temporary employees who test positive for drugs will be terminated. A permanent employee whose drug test result is reported as positive and who has previously had a positive drug test or breath alcohol test will be terminated in accordance with 19-206.

Section F REHABILITATION

This railroad has an employee assistance program (EAP) and SAP which provides covered service personnel with a comprehensive EAP/SAP that can help individuals with alcohol and/or drug abuse problems.

Employee Assistance Program: Inova
Address: 3949 Pender Drive, Suite 310
Fairfax, VA 22030
Phone: 800-346-0110

Substance Abuse Professional:
Contact person: Mark Rembecki
Address: 1303 Edgewood Dr.
Jefferson City, MO 65109
Phone: 573-645-0674

Section G PREVIOUS EMPLOYER CHECK

This railroad must check on the drug and alcohol testing record of regulated employees it is intending to use to perform hours of service duties. This railroad will, after obtaining an employee's written consent, request information from DOT-regulated employers who have employed the employee during any period during the two years before the date of the employee's application or transfer into covered services. A copy of the employee release form is attached as Appendix A to this policy. (49 CFR 40.25).

An employee will also be asked whether he or she tested positive (or refused to test) on any Federal pre-employment drug or alcohol test administered by a DOT employer to which the employee applied for, but did not obtain covered service work during the past two years.

With respect to any employee who violated a DOT drug and alcohol regulation, documentation of the employee's successful completion of DOT return-to-duty requirements (including Federal follow-up tests) must be provided to this railroad. See Appendix B for a copy of 49 CFR. 40.25.

Section H FMCSA CLEARINGHOUSE

a. *General.* Employees subject to the FMCSA are federally mandated to comply with the reporting requirements of the FMCSA Clearinghouse under 49 CFR Part 382. The FMCSA includes an obligation of the City to perform pre-employment queries for all applicants and annual queries for all employees.

b. *Consent to Clearinghouse Reports.* Employees subject to the FMCSA Clearinghouse shall provide the necessary consent for the City to perform clearinghouse queries, including electronic authorization for all full queries. If an employee fails to provide consent as required under this section, then the employee is unable to perform safety-sensitive functions under federal law and the employee will be removed from duty. The refusal to provide consent shall also be considered a violation under this policy and the employee may be subject to disciplinary action, including termination.

c. *Information Reported.* The following personal information is collected and maintained under 49 CFR Part 382 shall be reported to the Clearinghouse:

- i. A verified positive, adulterated, or substituted drug test;
- ii. An alcohol confirmation test with a blood alcohol concentration of 0.04 or higher;
- iii. A refusal, as defined in this policy, to submit to any drug or alcohol test of 49 CFR Part 382;
- iv. The City's report of "actual knowledge", as defined under 49 CFR § 382.107:
 - (A) On-duty alcohol use pursuant to § 382.205;
 - (B) Pre-duty alcohol use pursuant to § 382.207;
 - (C) Alcohol use following an accident pursuant to § 382.209; and
 - (D) Controlled substance use pursuant to § 382.213;
- v. The SAP report of the successful completion of the return-to-duty process;
- vi. A negative return-to-duty test; and
- vii. The City's report of completion of follow-up testing.

SECTION I. EMPLOYEE DRUG AND ALCOHOL EDUCATION

1. Policy Availability.

The Drug and Alcohol Policy is available by way of the City's Intranet site or a copy of the policy may be obtained from Human Resources.

2. Training Materials.

Safety-sensitive Employee Drug and Alcohol training materials shall include the following content:

- a. The identity of the persons designated to answer employee questions about the City's rules and Federal testing programs.
- b. Information explaining the effects of alcohol and drugs on health, work and personal life, the symptoms of alcohol or substance abuse.
- c. Explanations of employee conduct which is prohibited by these rules and the circumstances under which an employee will be tested.
- d. The drug and alcohol procedures.
- e. An explanation of when testing is required by Federal rules and when it is required by City policy.
- f. Explanation of what constitutes a refusal to test.
- g. Explanation of the consequences of violations of these rules.
- h. Explanation of the consequences of having a breath alcohol concentration greater than 0.02 percent but less than 0.04 percent
- i. The name and contact information of an individual or organization(s) that can provide counseling and access to treatment programs.

3. Amount of Training.

Safety-sensitive employees shall receive a minimum of 60 minutes of training in the effects of substance abuse. Training shall include explanation of DOT regulations governing drug and alcohol testing.

4. Supervisor Training.

Safety-sensitive supervisors shall receive, in addition to the general employee information, a minimum of 60 minutes of training in alcohol misuse and 60 minutes of training in drug use. The training shall cover physical, behavioral, speech and performance indicators of drug and alcohol misuse.

SECTION J. ALCOHOL FACT SHEET

Alcohol is a socially acceptable drug that has been consumed throughout the world for centuries. It is considered a recreational beverage when consumed in moderation for enjoyment and relaxation during social gatherings. However, when consumed primarily for its physical and mood-altering effects, it is a substance of abuse. As a depressant, it slows down physical responses and progressively impairs mental functions.

1. Signs and Symptoms of Use

Dulled mental processes; lack of coordination; odor of alcohol on breath; possible constricted pupils; sleepy or stuporous condition; slowed reaction rate; and slurred speech. (Note: Except for the odor, these are general signs and symptoms of any depressant substance.)

2. Health Effects

The chronic consumption of alcohol (average of three servings per day of beer [12 ounces], whiskey [1 ounce], or wine [6 ounce glass]) over time may result in the following health hazards:

Decreased sexual functioning

Dependency (up to 10 percent of all people who drink alcohol become physically and /or mentally dependent on alcohol and can be termed an alcoholic)

Fatal liver diseases

Increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma

Kidney disease Pancreatitis

Birth defects (up to 54 percent of all birth defects are alcohol related) Spontaneous abortion and neonatal mortality

Ulcers

3. Social Issues

Two-thirds of all homicides are committed by people who drink prior to the crime.

Two to three percent of the driving population is legally drunk at any one time. This rate is doubled at night and on weekends.

Two-thirds of all Americans will be involved in an alcohol-related vehicle accident during their lifetimes.

The rate of separation and divorce in families with alcohol dependency problems is 7 times the average.

Forty percent of family court cases are alcohol problem related.

Alcoholics are 15 times more likely to commit suicide than are other segments of the population.

More than 60 percent of burns, 40 percent of falls, 69 percent of boating accidents, and 76 percent of private aircraft accidents are alcohol related.

4. The Annual Toll

24,000 people will die on the highway due to the legally impaired driver.

12,000 more will die on the highway due to the alcohol-affected driver.

15,800 will die in non-highway accidents.

30,000 will die due to alcohol-caused liver disease.

10,000 will die due to alcohol-induced brain disease or suicide. Up to another 125,000 will die due to alcohol-related conditions or accidents.

5. Workplace Issues

Impairment in coordination and judgment can be objectively measured with as little as two drinks in the body.

A person who is legally intoxicated is 6 times more likely to have an accident than a sober person.

Alcohol abuse accounts for 500 million lost work days per year. It takes 1 hr. for the average person (150 lbs.) to process one serving of an alcoholic beverage from the body.

(Remainder of this page intentionally left blank)

APPENDIX A

Suggested Format: "Release of Information Form -- 49 CFR Part 40 Drug and Alcohol Testing"

Section I. To be completed by the new employer, signed by the employee, and transmitted to the previous employer:

Employee Printed or Typed Name: _____

Employee SS or ID Number: _____

I hereby authorize release of information from my Department of Transportation regulated drug and alcohol testing records by my previous employer, listed in Section I-B, to the employer listed in Section I-A. This release is in accordance with DOT Regulation 49 CFR Part 40, Section 40.25. I understand that information to be released in Section II-A by my previous employer, is limited to the following DOT-regulated testing items:

1. Alcohol tests with a result of 0.04 or higher;
2. Verified positive drug tests;
3. Refusals to be tested;
4. Other violations of DOT agency drug and alcohol testing regulations;
5. Information obtained from previous employers of a drug and alcohol rule violation;
6. Documentation, if any, of completion of the return-to-duty process following a rule violation.

Have you worked for a DOT-regulated employer in the last 2 years? _____

Have you tested positive, or refused to test, on any Federal pre-employment drug/alcohol test? _____

Employee Signature: _____ Date: _____

I-A.

New Employer Name: _____

Address: _____

Phone #: _____ Fax #: _____

Designated Employer Representative: _____

I-B.

Previous Employer Name: _____

Address: _____

Phone #: _____

Designated Employer Representative (if known): _____

Section II. To be completed by the previous employer and transmitted by mail or fax to the new employer:

II-A. In the two years prior to the date of the employee's signature (in Section I), for DOT-regulated testing ~

- | | |
|---|---------------------------|
| 1. Did the employee have alcohol tests with a result of 0.04 or higher? | YES ____ NO ____ |
| 2. Did the employee have verified positive drug tests? | YES ____ NO ____ |
| 3. Did the employee refuse to be tested? | YES ____ NO ____ |
| 4. Did the employee have other violations of DOT agency drug and alcohol testing regulations? | YES ____ NO ____ |
| 5. Did a previous employer report a drug and alcohol rule violation to you? | YES ____ NO ____ |
| 6. If you answered "yes" to any of the above items, did the employee complete the return-to-duty process? | N/A ____ YES ____ NO ____ |

NOTE: If you answered "yes" to item 5, you must provide the previous employer's report. If you answered "yes" to item 6, you must also transmit the appropriate return-to-duty documentation (e.g., SAP report(s), follow-up testing record).

II-B.

Name of person providing information in Section II-A: _____

Title: _____

Phone #: _____

Date: _____

APPENDIX B – REGULATION ON PREVIOUS EMPLOYER CHECKS PER 40.25

§ 40.25 Must an employer check on the drug and alcohol testing record of employees it is intending to use to perform safety-sensitive duties?

(a) Yes, as an employer, you must, after obtaining an employee's written consent, request the information about the employee listed in paragraph (b) of this section. This requirement applies only to employees seeking to begin performing safety-sensitive duties for you for the first time (i.e., a new hire, an employee transfers into a safety-sensitive position). If the employee refuses to provide this written consent, you must not permit the employee to perform safety-sensitive functions.

(b) You must request the information listed in this paragraph (b) from DOT-regulated employers who have employed the employee during any period during the two years before the date of the employee's application or transfer:

- (1) Alcohol tests with a result of 0.04 or higher alcohol concentration;
- (2) Verified positive drug tests;
- (3) Refusals to be tested (including verified adulterated or substituted drug test results);
- (4) Other violations of DOT agency drug and alcohol testing regulations; and
- (5) With respect to any employee who violated a DOT drug and alcohol regulation, documentation

of the employee's successful completion of DOT return-to-duty requirements (including follow-up tests). If the previous employer does not have information about the return-to-duty process (e.g., an employer who did not hire an employee who tested positive on a pre-employment test), you must seek to obtain this information from the employee.

(c) The information obtained from a previous employer includes any drug or alcohol test information obtained from previous employers under this section or other applicable DOT agency regulations.

(d) If feasible, you must obtain and review this information before the employee first performs safety-sensitive functions. If this is not feasible, you must obtain and review the information as soon as possible. However, you must not permit the employee to perform safety-sensitive functions after 30 days from the date on which the employee first performed safety-sensitive functions, unless you have obtained or made and documented a good faith effort to obtain this information.

(e) If you obtain information that the employee has violated a DOT agency drug and alcohol regulation, you must not use the employee to perform safety-sensitive functions unless you also obtain information that the employee has subsequently complied with the return-to-duty requirements of Subpart O of this part and DOT agency drug and alcohol regulations.

(f) You must provide to each of the employers from whom you request information under paragraph (b) of this section written consent for the release of the information cited in paragraph (a) of this section.

(g) The release of information under this section must be in any written form (e.g., fax, e-mail, letter) that ensures confidentiality. As the previous employer, you must maintain a written record of the information released, including the date, the party to whom it was released, and a summary of the information provided.

(h) If you are an employer from whom information is requested under paragraph (b) of this section, you must, after reviewing the employee's specific, written consent, immediately release the requested information to the employer making the inquiry.

(i) As the employer requesting the information required under this section, you must maintain a written, confidential record of the information you obtain or of the good faith efforts you made to obtain the information. You must retain this information for three years from the date of the employee's first performance of safety-sensitive duties for you.

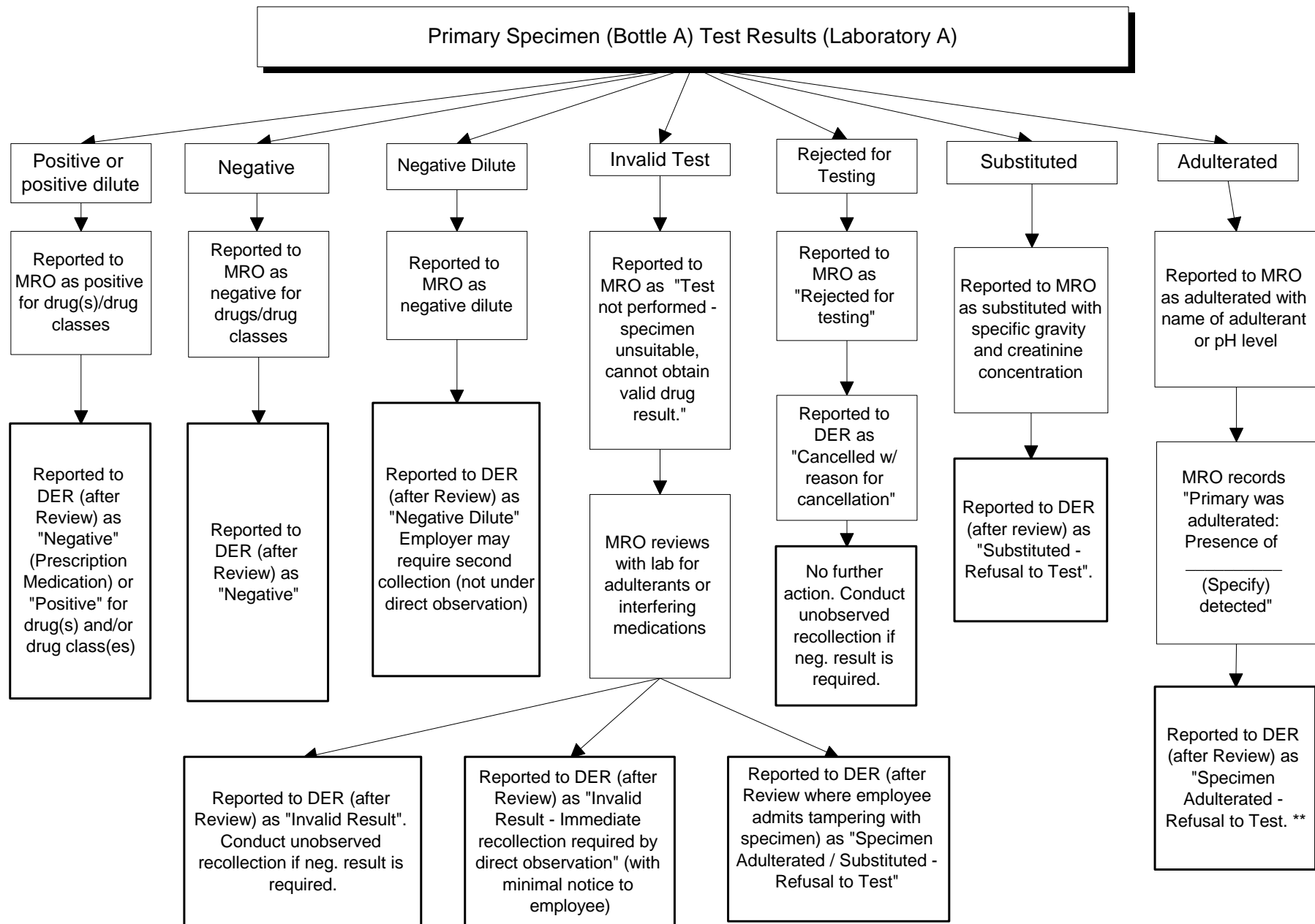
(j) As the employer, you must also ask the employee whether he or she has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the employee applied for, but did not obtain, safety-sensitive transportation work covered by DOT agency drug and alcohol testing rules during the past two years. If the employee admits that he or she had a positive test or a refusal to test, you must not use the employee to perform safety-sensitive functions for you, until and unless the employee documents successful completion of the return-to-duty process (see paragraphs (b)(5) and (e) of this section).

APPENDIX C

As guidance, attached are two flow charts; one for the handling of primary specimens and one for the handling of split specimens.

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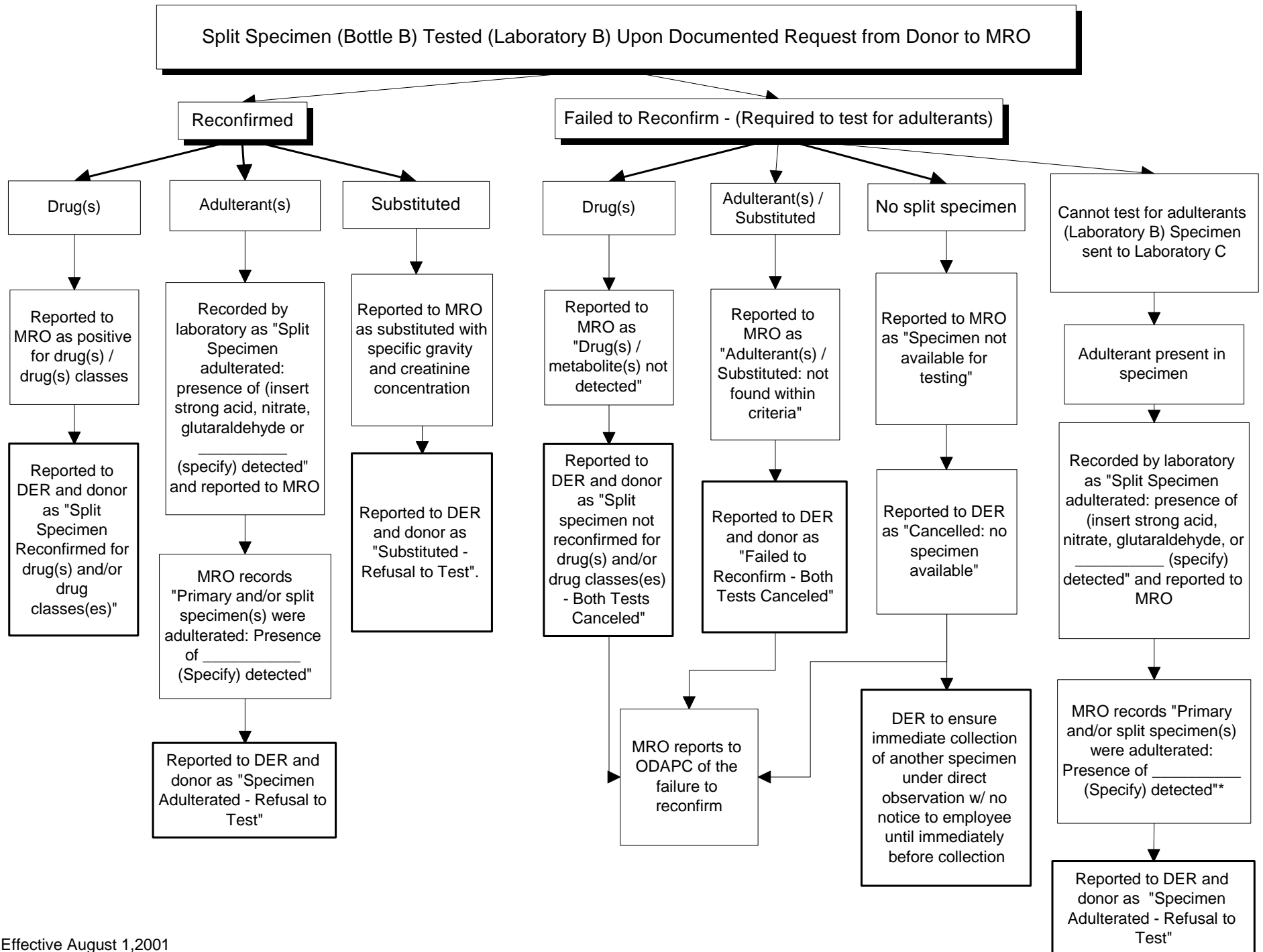
FLOW CHART FOR HANDLING OF PRIMARY SPECIMENS



NOTE: Positive, adulterated and substituted specimens are retained by the laboratory for 1 yr.

****** Adulterated specimen with no split specimen available is reported to DER as "Specimen Adulterated - Refusal to Test"

FLOW CHART FOR HANDLING OF SPLIT SPECIMENS



Appendix D
Columbia Terminal Railroad Documents

1. City of Columbia Reasonable Suspicion Documentation Form

(Remainder of this page intentionally left blank)

**Supervisor Observation
Reasonable Suspicion**

Employee Name _____ Job title _____

Location _____ Date/ Time _____

The following are associated with possible alcohol use or drug abuse. Check ALL that apply:

BEHAVIOR

☐ staggering
☐ sleepy
☐ agitated
☐ hostile
☐ disoriented
☐ pinpoint pupils
☐ poor coordination
☐ tremors, shakes
☐ rapid breathing
☐ labored breathing
☐ hallucinations
☐ euphoria
☐ frequent use of mints, mouthwash, breath sprays, eye drops
☐ drunken behavior with or without odor of alcohol

APPEARANCE

☐ flushed skin
☐ cold, clammy, sweats
☐ bloodshot eyes
☐ sweating
☐ unusual energy
☐ tearing, watery eyes
☐ dilated pupils
☐ unfocused, blank stare
☐ sinus/nasal problems
☐ unkempt grooming

SPEECH

☐ slurred
☐ exaggerated
☐ loud boisterous
☐ incoherent
☐ rapid/slow
☐ forgetfulness
☐ excessively talkative
☐ excessive laughter
☐ inappropriate speech
☐ nonsensical, silly

BODY ODOR

☐ alcohol
☐ burnt rope
(possibly marijuana)

Other observations: _____

How is employee's behavior different than previous observed on-the-job behavior?

To the best of my knowledge and belief, this report represents the appearance, behavior and/or conduct of the above-named employee, observed by me and upon which I base my decision to require said employee to Reasonable Suspicion testing.

These observations were made by:

Supervisor: _____

Witness: _____

Date: _____

Employee transported to collection site by _____

DIVISION 4. COLUMBIA POLICE DEPARTMENT

Section A. DEFINITIONS

As used in this Division, the listed terms shall have the following meaning:

“Alcohol.” The intoxicating agent in a beverage including alcohol, ethyl alcohol or other low molecular weight alcohols.

“Alcohol Use.” The consumption of a beverage, mixture, or preparation, including any medication, containing alcohol.

“Applicant.” Any individual selected through a direct hire process who is not currently in the City's employ and as a condition of employment must meet the applicable conditions of this policy prior to employment.

“City Premises.” Any and all property, facilities, land, structures, and vehicles owned, leased, used or under the control of the City.

“Collection Site.” A place designated by the City where employees present themselves for the purpose of providing a specimen of their urine or breath to be analyzed for the presence of drugs/alcohol.

“Command Staff.” Police Lieutenant, Assistant Police Chief, Police Chief and Assistant to the Police Chief.

“Drug.” Any non-food substance, other than alcohol or such over-the-counter pain relievers as aspirin or cold remedies, capable of altering the mood, perception, pain tolerance, sobriety or judgment of the person consuming it.

“EBT.” Evidential Breath Testing Device, a device approved by NHTSA (National Highway Transportation Safety Association) for the evidential testing of breath at the .02 percent and .04 percent alcohol concentrations, placed on NHTSA's Conforming Products List (CPL) for Evidential Breath Testing Devices and identified on the CPL as conforming with the model specifications available from NHTSA's Traffic Safety Program.

“5 Panel Drug Testing”:

- Marijuana (THC)
- Cocaine
- Amphetamines
 1. Amphetamine
 2. Methamphetamine
 3. MDMA
 4. MDA

- Opioids
 1. Codeine
 2. Morphine
 3. 6-AM (heroin)
 4. Hydrocodone
 5. Hydromorphone
 6. Oxycodone
 7. Oxymorphone
- Phencyclidine (PCP)

“Illegal/Unauthorized drug.” Any drug which is not legally obtainable, any drug which is legally obtainable but has been illegally obtained, and/or is not being used for its prescribed purpose or in the prescribed manner.

“Legal Drug.” Except for Medical Marijuana, any prescribed drug or over-the counter drug which has been legally obtained and is used for the purpose for which it was prescribed or manufactured.

“Medical Marijuana” means marijuana for medical use as authorized by the Missouri Department of Health and Senior Services and the distribution, possession and use of the marijuana are in compliance with all laws and regulations authorized by Article XIV of the Missouri Constitution, titled Medical Cannabis.

“Medical Review Officer” or “MRO.” A licensed physician responsible for receiving and reviewing laboratory results generated by this policy, who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate positive test results together with an employee's history and any other relevant biomedical information.

“Possession.” Actual or constructive care, custody, control or immediate access to.

“Reasonable Suspicion.” When a supervisor has reason to believe the appearance and/or conduct of an employee are indicative of the use of alcohol, drug(s) (including Medical Marijuana), or a combination thereof.

“Substance Abuse Professional” or “SAP.” Evaluates employees who have violated a drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up care and aftercare. Must be a licensed physician (M.D. or D.O.) or a licensed or certified psychologist, social worker, employee assistance professional, state-licensed or certified marriage and family therapist, or a drug and alcohol counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC) or certified by: the International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse (ICRC); or by the National Board for Certified Counselors, Inc. and Affiliates/Master Addictions Counselor (NBCC) with knowledge of and clinical experience in the diagnosis and treatment of alcohol/substance abuse related

disorders. Requires completion of qualification training and SAP certification per 49 CFR Part 40.

“Substance Abuse Counselor” or “SAC.” Evaluates employees who have violated the City of Columbia Drug and Alcohol Policy and this person makes recommendations concerning education, treatment, follow-up care and aftercare. The SAC is coordinated through EAP.

“Uniformed Officers” means all law enforcement officers required to obtain or possess a Missouri POST certification as part of his or her position.

“49 CFR Part 40.” Federal Procedures for Transportation workplace drug testing programs. These rules are available for review in the Human Resource Department.

Section B. IN GENERAL

1. Scope.

Except as provided herein, the Police Department Employee Drug and Alcohol Policy applies to all employees of the City of Columbia Police Department, including job applicants, probationary employees, permanent full and part-time and temporary full and part-time.

2. Purpose.

The purpose of this Drug and Alcohol policy is to ensure an alcohol and drug-free workplace, to reduce accidents and injuries, and to comply with all federal, state and local laws. The City of Columbia recognizes that the state of employees’ physical condition affects their job performance, their availability for work, their ability to perform certain types of work, and may affect their opportunities for continued employment or advancement. The City also recognizes that drug and alcohol abuse ranks as a major health problem which affects an individual’s physical condition and causes untold trauma and expense, not only to the employee but also ultimately to the City as an employer.

3. General Policy.

It shall be the general policy of the City to prohibit the possession, manufacture, sale, transference, use or ingestion of illegal/unauthorized drugs or Medical Marijuana, or the use or ingestion of alcohol, or the unauthorized possession, sale or transference of alcohol, on City premises, while operating City vehicles and equipment, while engaged in the performance of job duties or while otherwise representing the City of Columbia in any capacity and during off-site lunch periods or breaks when an employee is expected to return to work or on call for work. Nothing in this policy is intended to limit the authority of officers to search for and seize contraband in accordance with policies and procedures of the Columbia Police Department.

4. Condition of Employment.

As a condition of employment, employees of the City of Columbia Police Department are expected to fully comply with this policy, to be free from the use of illegal drugs and to abstain from on-duty alcohol use.

5. Questions about the Policy.

Questions about this drug and alcohol policy may be directed to either the Human Resources Director at 817-6445, or the designated employer representative at 874-6392.

Section C. MEDICAL MARIJUANA

1. Purpose.

Missouri has laws allowing for the medical use of marijuana. The City, as an employer, is committed to providing a safe work environment and reducing accidents and injuries, to ensuring the safety and protections of the public served by the employees of the City, and to complying with all relevant federally mandated laws, including all Drug-Free Workplace requirements and federally mandated drug and alcohol testing for Regulated employees.

The use of marijuana, whether it is for recreational or medical purposes, has physiological effects that can include sedation, disorientation, impaired judgment, lack of concentration and slowed fine motor skills. The City recognizes that the impairing effect of such use while at work creates workplace performance and safety issues that the City wishes to avoid.

Furthermore, marijuana is a controlled substance under the federal Drug Abuse Prevention and Control Act. Its possession and use are prohibited in the workplace under federal Drug-Free Workplace regulations. The City relies on federal funding for many of its critical services and programs and failure to comply with the Drug-Free Workplace requirements could jeopardize that federal funding. It is the City's position and intent that this Medical Marijuana Policy shall meet or exceed all requirements of the federal Drug-Free Workplace laws, 41 USC §§ 8101, et. seq., as amended.

2. General Medical Marijuana Policy

It shall be the policy of the City of Columbia that all employees are strictly prohibited from possessing, using, ingesting or being under the influence of Medical Marijuana while on City premises, while operating City vehicles and equipment, while engaged in the performance of job duties or while otherwise representing the City of Columbia in any capacity and during off-site lunch periods or breaks when an employee is expected to return to work or on call for work.

3. Additional Restrictions - Uniformed Officers

a. *Purpose.* The City has a compelling interest in ensuring its Uniformed Officers are both mentally and physically capable of performing the demanding public safety work that the position requires. These positions are first responders to emergency situations and are required to perform important public safety functions including the following: responding to calls for emergency assistance or crisis situations; performing in emergency medical and rescue incidents; capable of operating emergency vehicles and control them at high-rates of speed; carrying and using firearms; being on 24/7 emergency call-out; sound decision-making to protect life and property, public health or safety, or other functions requiring a high degree of public trust. It is the City's intent and position that employees in these positions are required to have the ability to work in a constant state of alertness and safe manner.

b. *Uniformed Officers Medical Marijuana Policy.* It shall be the policy of the City that all Uniformed Officers are prohibited from possessing, using, ingesting or being under the influence of Medical Marijuana at any time.

Section D. PROHIBITED CONDUCT

1. Drugs.

The manufacture, distribution, unlawful dispensing, use, possession or being under the influence of any illegal/ unauthorized drug, while on the City's premises or during working time or during a meal break when an employee is expected to return to work or on call for work is strictly prohibited; provided however that nothing in this policy is intended to limit the authority of officers to search for and seize contraband in accordance with policies and procedures of the Columbia Police Department.

An employee may use and possess a legal drug while on the City's premises or during working time, provided the employee uses the drug in accordance with a physician's or the package instructions, does not distribute the drug to another, and the employee has reported the use of any mood altering or judgment or performance impairing drug to Employee Wellness or his/her immediate supervisor before the beginning of his/her work shift. When an employee has reported the use of a legal drug, Employee Wellness shall notify the employee's supervisor of potential impairing effects. If an employee reports the use of a legal drug to his/her supervisor, the supervisor shall report this information to Employee Wellness. Employee Wellness staff will consult with the City physician on potential impairing effects and notify the supervisor of any potential impairing effects of the drug. It shall be the employee's responsibility to inquire of the prescribing physician or a pharmacist whether or not the prescribed or over-the-counter medication is mood altering or judgment or performance impairing. The City reserves the right to have a physician of its choice determine whether an employee can safely perform their job while using or being under the influence of any legal drug so reported. In addition, the City reserves the right to restrict such employee's work activity or presence on the City premises. Applicable

accumulated leave or leave without pay may be granted under applicable ordinance provisions.

2. Alcohol.

The use, possession or ingestion of alcohol during working hours, including lunch hours or while on City premises when associated with working hours, is strictly prohibited. However, the possession of alcoholic beverages by employees whose job assignment includes the buying, selling, distributing, dispensing or transferring the beverage is excluded, as is the use of alcohol containing solvent, cleaners and other chemicals for the purpose for which they were manufactured.

3. Impairment.

It is a violation of this policy for employees to report to work, or to enter onto the City premises while being in a condition impaired for work due to effects, symptoms or side effects of alcohol and/or drugs.

4. Submit to Drug/Alcohol Testing.

Failure of an employee to submit to any drug or alcohol testing required under this policy including, but not limited to, failure to report in a timely manner to a collection site, sign any required consent form or otherwise fully cooperate in the collection of any breath/urine specimen, is strictly prohibited. If any employee refuses to be tested, then the refusal shall be subject to disciplinary action up to and including termination.

5. Conviction Reporting.

As a condition of employment, all employees are required to notify the City of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after the conviction. The failure to report such conviction is a violation of this policy. Within thirty (30) days after receiving notice from an employee of a conviction under this provision, the City will take appropriate action against the employee, up to and including termination, or will require the employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for those purposes in accordance with federal Drug-Free Workplace requirements.

Section E. EMPLOYEE ASSISTANCE PROGRAM (EAP)

1. EAP Program.

City shall maintain a contract Employee Assistance Program (EAP) which will provide counseling or referral for drug and alcohol abuse. The City shall provide a list of available resources for drug/alcohol counseling if the employee chooses to seek assistance outside the City's EAP. Applicable accumulated leave or leave without pay may be granted for

treatment, counseling or rehabilitation under applicable ordinance provisions. It will be the employee's responsibility to comply with a City request for referral and diagnosis and to cooperate fully with any prescribed therapy.

Rehabilitation is the responsibility of the employee. In cases of mandatory referral to the EAP as part of a disciplinary disposition or in compliance with a federal rule, the City shall require the counseling agency to report to the City: (1) that the employee is attending the mandated counseling; (2) that the employee is arriving on-time to scheduled appointments and is cooperating with the counselor; (3) that the employee has completed counseling or therapy and is released by the counseling provider; and (4) if any medical leave is required.

2. Self-Help.

If, prior to any drug or alcohol testing or the occurrence of an event giving rise to a reasonable suspicion of current drug or alcohol use, an employee seeks help to refrain from drug or alcohol use, either by inquiry to the City or entering a counseling or rehabilitation program, then the City will assist the employee in locating and attending a suitable program and exercise care to maintain the confidentiality of the inquiry and program participation.

The employee shall not have his or her job security jeopardized solely because he or she has made a voluntary request for diagnosis and appropriate therapy for alcoholism or drug dependency. However, the City is concerned by those situations where use of alcohol or other drugs affects an employee's job performance, causes a potential safety problem or is detrimental to the City's business, and will take those actions that are required for the good of the City as a whole. For uniformed officers and certain other employees, such as those in a chain of custody, job performance includes the ability to testify in court as needed at any point in the future without the risk of disqualification or significant impeachment as a result of any prior action taken by the employee, including the use of drugs or alcohol. Self-referral to a treatment program may not be used as a protection from supervisory actions taken as a result of job performance deficiencies.

The City may also grant the employee an appropriate leave of absence (generally not to exceed twelve weeks) or other reasonable accommodation so the employee can undergo a mutually agreed upon rehabilitation program. To the extent permitted by law, any leave or other accommodation granted pursuant to this policy will, absent extenuating circumstances as determined by the City, be granted only once.

Section F. DRUG AND ALCOHOL TESTING

1. Types of Testing.

All employees under this policy shall be subject to the following drug or alcohol tests:

a. *Circumstances under which Employees of the Columbia Police Department may be tested.* These include:

- (i) Upon reasonable suspicion of an employee being under the influence of drugs or alcohol;
- (ii) Upon random selection;
- (iii) Upon being involved in a crash in a department vehicle that results in:
 - (1) Death to a person; or
 - (2) Bodily injury to any person requiring immediate medical treatment away from the scene of the accident;
- (iv) Upon a voluntary request by a Uniformed Officer, Crime Scene Investigator, Civilian Investigator, Property & Evidence Technician or Property & Evidence Unit Supervisor.

b. *Pre-Employment Testing.* The City will test job applicants for all permanent positions and temporary positions for the Police Department for current drug use prior to offering successful applicants City employment. A dilute negative is considered a negative result and a retest will not be needed unless directed by the MRO. An applicant with a verified positive test will be ineligible for hire for five years.

c. *Reasonable Suspicion Testing.*

(i) *Basis to determine reasonable suspicion.* When a Supervisor has reasonable suspicion that the employee is under the influence of alcohol or drugs (including Medical Marijuana), then the supervisor shall require the employee to undergo drug and/or alcohol testing. The supervisor determining reasonable suspicion shall not supervise or participate in testing procedures.

Reasonable suspicions shall be grounded upon specific, articulable observations concerning the appearance, behavior, motor skills, speech or body odors of the employee, or the physical inability of the employee to perform their job assignments, or a report of drug use is provided by a reliable and credible source that has been independently corroborated.

(ii) *Duty to report and conduct testing upon reasonable suspicion.*

(1) *Command Staff.* Any member of Command Staff that has a reasonable suspicion that another employee is using alcohol or controlled substances in violation of city policy shall immediately advise the employee of the basis for the reasonable suspicion and order the employee to submit to a drug test. If the suspect employee is of equal or greater rank than the reporting officer, the Chief or an uninvolved Assistant Chief shall be contacted.

(2) *Sergeants.* Any Sergeant who has a reasonable suspicion that another employee is using alcohol or controlled substances, the Sergeant will advise the employee of the basis for the reasonable suspicion and order the employee

to submit to a drug test. As soon as possible after issuing an order to submit to testing, the Sergeant shall report the facts and circumstances that form that basis for the suspicion to their immediate supervisor.

(3) *Officers.* Any officer who has reasonable suspicion that another employee is using alcohol, drugs, or controlled substances shall immediately report the facts and circumstances that form the reasonable suspicion to his/her supervisor, any Lieutenant or any member of the Command Staff. The supervisor/Lieutenant/member of Command Staff receiving that report will advise the employee of the basis for the reasonable suspicion and order the employee to submit to a drug test.

(iii) *Preparation of written report.* As soon as possible after issuing an order to submit to testing, the person ordering the employee to submit to the drug test shall prepare a written report using the form developed by the Human Resources Department and indicate the specific facts and reasons that form the basis for the reasonable suspicion that led to the order for testing. This report shall be forwarded to the Designated Employer Representative in the Human Resources Department and will be maintained in strict confidentiality until record shall be disposed of.

(iv) *Administrative leave.* Any employee who is tested based upon reasonable suspicion will be placed on Administrative Leave until such time that testing can be done and results are achieved.

d. *Random Drug Testing.*

(i) *Employees subject to testing.* The following employees are subject to random drug testing:

(1) All uniformed officers assigned to the City of Columbia Police Department.

(2) Non-sworn personnel whose responsibilities will cause them to come into contact with narcotics or controlled substances from time to time, including but not necessarily limited to personnel with access to the evidence room and those employees responsible for crime scene investigation. Classifications include: Crime Scene Investigator, Civilian Investigator (temporary position), Property & Evidence Technician and Property and Evidence Unit Supervisor.

(ii) *Selection of employees for testing.* The selection of personnel for random testing is accomplished by the testing center using a computer based number generator which matches an employee's identification number ensuring employees subject to random testing shall have an equal chance of being selected each time the selections are made.

(iii) *Frequency, timing and number of employees to be tested.* Random testing is unannounced and spread through the year, with a minimum of four test events per year. Employees may be required to submit to testing at the beginning, end or during work shift. Notification may be made by any person designated by the Chief of Police.

(iv) *Procedure when selected for testing.* When an employee is notified of being selected for a test, the employee must proceed immediately to the test site. The time of notification shall be recorded by the person providing the notification. The time of arrival at the test center will be noted by the test center. If necessary, the police department will provide transportation to and from the testing location.

(v) *Testing outside scheduled work hours.* If a selected employee cannot complete testing prior to the end of scheduled work time, the time beyond scheduled work hours needed to complete testing will be counted as work hours.

e. *Testing Following an Accident.* An employee will be tested upon being involved in a crash in a department vehicle that results in:

(i) Death to a person; or

(ii) Bodily injury to a person involving immediate medical treatment away from the scene of the accident.

The shift supervisor will either transport or arrange for the transportation of the employee to the test facility or, if the employee is transported to a medical facility, the City may require a breath or urine specimen collection at the medical facility. Nothing in this section limits the authority of law enforcement authorities to gather evidence in accordance with applicable law or the policies of the Columbia Police Department. No employee required to take a post-crash alcohol test under these regulations shall use alcohol for eight hours following the crash or until completing a post-crash alcohol test.

f. *Return to Duty Testing.* Return to Duty testing must occur after an employee has failed a drug and/or alcohol test, or refused to be tested. The employee must have successfully completed the required education and/or rehabilitation program before a return to duty test may be given. The employee must test negative for drugs and/or below .02 percent breath alcohol concentration before resuming job duties.

g. *Follow-up Testing.* Whenever an employee has sought self-help under this policy or has been mandatorily referred to a drug and/or alcohol rehabilitation program and has completed the program, the City's Medical Advisor, SAP or SAC may require the employee to participate in follow-up drug and/or alcohol testing. The extent and duration of the testing shall be determined by the City's Medical Advisor, SAC or SAP if required.

2. Testing Procedures.

The procedures for collecting breath and urine specimens will be posted at the collection site. All drug tests shall be performed by a laboratory certified under the Department of Health and Human Services, Mandatory Guidelines for Federal Workplace Drug Testing Programs, 53 FR 11970, April 11, 1988, and subsequent amendments thereto. Employees that are not DOT Regulated Employees will be tested in a manner that mirrors 49 CFR Part 40 procedures. However, these tests shall not be performed on federal forms or under federal authority.

a. *Specimen Collection Procedure.* The Human Resources Department will instruct applicants to report to the testing site. Employees will be instructed by the supervisor where and when to report for drug and/or alcohol testing. Employees will also be instructed that they must present a photo I.D. at the time of testing. In cases of Reasonable Suspicion Testing, the employee will be transported to the test facility or the City may request a breath or urine specimen collection at the worksite.

The procedures for collecting urine specimens will follow the procedures set out in 49 CFR Part 40 to safeguard the validity of test results, and ensure the integrity and identify of the urine specimen that is produced. Specimens will be sealed and marked at the time of collection in order to maintain an intact chain of custody. The procedure will also allow for individual privacy unless, in the determination of the City, the collector, or the MRO, there is reason to believe that an employee may alter or substitute the specimen. Breath alcohol testing will follow Federal Procedures to ensure accuracy, reliability and confidentiality. All specimens, breath and urine, will be accompanied by the appropriate intact and correctly completed chain of custody form.

If testing under this policy is ever required of an employee who is in need of medical attention, necessary medical attention will not be delayed in order to collect the test specimen. However, such an employee shall promptly, upon request from the City, provide the necessary authorization for obtaining hospital reports and records and any other information at the time the need for medical attention and/or testing arose.

b. *Testing Procedures.*

(i) Drug Testing. Drug testing will be performed on urine samples and will be a 5 Panel Drug Test. The initial test will be performed by the enzyme immunochemical assay method. All specimens identified as a positive test on the initial test will be confirmed using gas chromatography/mass spectrometry (GC/MS) techniques. A specimen will be treated as negative if the result of the initial test or the confirmatory test is negative. The City utilizes the UMC Toxicology Lab or Clinical Reference Laboratory for non-DOT specimen testing.

(ii) Alcohol Testing. Alcohol use will be tested using Evidentiary Breath Testing Devices (EBT). Breath Alcohol testing requires the individual to provide a breath sample.

Should the initial breath sample have a result of 0.02 percent blood alcohol content or greater, a confirmation test will be conducted within twenty (20) minutes. The confirmation test result takes precedence.

c. *Refusal to Test.* If an employee refuses to be tested or alters or attempts to alter the test sample, then such actions shall be treated as a positive test in addition to being a violation of this policy.

Behaviors constituting a test refusal: (1) failure to appear for a test in specified time frame (excludes pre-employment) (2) once test is underway, failure to remain at the testing site until the process is completed, (3) failure to provide volume of breath or urine without valid medical explanation, (4) failure to undergo a medical examination to verify insufficient volume, (5) failure to permit the observation or monitoring of specimen donation when so required, (6) failure to take an additional test required by the employer or collector, (7) failure to cooperate with any part of the testing process, (8) a drug test result that is verified by the MRO as adulterated or substituted, (9) possess or wear a prosthetic or other device that could be used to interfere with the collection process, (10) failure to sign the certification on Step 2 of the Alcohol Test Form (11) admit to the collector or MRO that you adulterated or substituted the specimen (12) tampering, adulterating, or substituting specimen (13) leaving the scene of an accident without just cause prior to submitting to a test.

3. Test Results.

a. *Drug Test Results.* The MRO will review positive drug test results with the applicant or employee before reporting them to the City. The substances for which the test was positive will be identified. The MRO may advise the City of a positive test result without having communicated with the applicant or employee about the test results if the applicant or employee expressly declines the opportunity to discuss the results of the test, or if the applicant or employee cannot be reached after reasonable efforts.

If the MRO determines there is a legitimate medical explanation for the positive test result, the MRO will report the test result to the City as negative.

The MRO may direct the City to conduct an immediate recollection of a negative dilute specimen under direct observation (because the creatinine concentration is at or lower than 2mg/dL to 5mg/dL). Otherwise, (if the creatinine concentration is greater than 5mg/dL) the City will consider a dilute negative as a negative result.

b. *Alcohol Test Results.* If an alcohol breath test results in a reading of 0.02 - 0.039 percent blood alcohol content, the individual shall not return to duty but shall be taken off duty and not returned to work for at least eight (8) hours, and must test below .02 percent alcohol concentration before returning to work. If an alcohol breath test results in a reading of 0.04 percent blood alcohol content or greater, in addition to the above the employee must meet with a SAP or SAC. This person shall determine when the employee may return to work.

d. *Report to Internal Investigations.* A positive result resulting from 5 Panel Drug Testing shall be reported to the Police Department Internal Affairs Unit, which shall investigate the result to determine whether the result was caused by incidental contact, exposure or ingestion of a drug. If the result is determined to be the result of incidental contact, exposure or ingestion then the result will be treated as negative for all purposes. If the result is determined to be for a cause other than incidental contact, exposure or ingestion, the result will be treated as positive for all purposes. No referral for prosecution will be made for the results of random drug testing except where other evidence exists that supports an allegation of criminal conduct.

c. *Confidentiality.* The results of a positive test shall be kept confidential from the general City work force and public, except that members of management may be made aware that the employee's drug test was positive. The results may be known to the test facility, the MRO, City's Designated Employer Representative, SAP or SAC and the employee. The City may use the results to determine the appropriate response to employee drug and/or alcohol use and to support its disciplinary or other actions or to defend the City in a court or administrative hearing.

The MRO, SAP, or SAC and the City shall not release the individual test result of an employee to any unauthorized party without first obtaining written authorization from the tested individual or as required by law.

The employee may, upon written request, obtain copies of any records pertaining to the employee's use of prohibited drugs, including records pertaining to the employee's drug test. There shall be no charge for these records.

4. Actions Taken in Response to Test Results.

a. *Refusals.* An employee who refuses to be tested as provided for herein will be treated as having a positive test result and may be subject to disciplinary action up to and including termination. Uniformed Officers, temporary and probationary employees with a positive result in 5 Panel Drug Testing shall be dismissed. Other employees, if not dismissed, shall, at a minimum, be removed from duty, referred to a SAP or SAC, and will not be allowed to return to work until a Return to Duty process has been completed. Applicable accumulated leave or leave without pay may be granted for time away from work, treatment, counseling or rehabilitation under applicable ordinance provisions.

b. *Drug Tests.* An employee whose drug test result is reported as positive shall be removed from duty, referred to a SAP or SAC and shall be subject to disciplinary action up to and including dismissal. Uniformed Officers, temporary and probationary employees with a positive result in 5 Panel Drug Testing shall be dismissed. Other employees, if not dismissed, will not be allowed to return to work in his or her position until a Return to Duty process has been completed. Applicable accumulated leave or leave without pay may be granted for time away from work, treatment, counseling or rehabilitation under applicable ordinance provisions.

c. Alcohol Tests.

i. Between .02 and .039 BAC. An employee whose breath test results in a reading of 0.02 – 0.039 percent breath alcohol content shall be immediately removed from duty and not allowed to return to work for at least eight (8) hours. If the employee is permitted to return to work after a positive result under this section, then he or she shall be tested again after at least eight (8) hours and must take a breath alcohol test with a result less than .02 percent blood alcohol concentration before returning to duty. An employee who has tested positive under this subsection may be referred to a SAP or SAC for evaluation and may be subject to disciplinary actions up to and including dismissal.

ii. At .04 or above BAC. An employee whose breath test results in a reading of 0.04 percent blood alcohol content or greater shall be immediately removed from duty. . Temporary and probationary employees with a BAC of 0.04 or higher shall be dismissed. The employee will not be allowed to return to work until a Return to Duty process has been completed. Applicable accumulated leave or leave without pay may be granted for time away from work, treatment, counseling or rehabilitation.

d. *Previous Positive Result.* An employee whose drug test result is reported to the City as positive or whose breath result is reported to the City as positive or whose breath test is 0.04 percent breath alcohol content or greater and who has previously had a positive drug test or breath alcohol test or who has had a previous mandatory referral for drug and alcohol counseling as required of these rules, will be terminated in accordance with 19-206.

e. *Rehabilitation Program Compliance.* If an employee fails to immediately begin an approved rehabilitation program and remain compliant with a rehabilitation agreement, successfully complete the program, participate in required or recommended after-care or otherwise fail to follow directives or instructions regarding the program, then the employee is in violation of this policy and may be subject to disciplinary action up to and including dismissal.

f. *Post Rehabilitation.* An employee who tests positive for illegal drugs or alcohol use of .04 or greater cannot return to work until he/she meets the following conditions:

i. Successfully completes a City approved rehabilitation program or completes the initial phase of such program and continues to participate in any program after care required by the rehabilitation facility doctor and/or counselor.

ii. No further use of a controlled substance or prohibited use of alcohol as indicated by a negative drug/alcohol Return to Duty test result at the time of release or before resuming work duties.

iii. Obtains a full written release and recommendation to return to duty from the treatment facility doctor and/or counselor.

iv. Agrees to be subject to post-rehabilitation unannounced follow-up testing as determined by the SAP or SAC for a minimum of 1 year, with at least 6 unannounced tests in the first year, and continue in the program for up to 5 years as deemed necessary by the SAP or EAP.

5. Accidental/Inadvertent Exposure.

Any officer or employee who believes that they may have been exposed to any substance that could render a positive test result must notify this department immediately after the exposure. If the exposure occurs on duty the officer or employee must immediately notify their supervisor. A report detailing the exposure shall be forwarded to the Internal Affairs Unit for the purpose of determining whether a random drug test result is due to incidental or accidental exposure. If the exposure occurs off duty, notification must be made without undue delay.

6. Pre-Duty Alcohol Use.

In addition to other restrictions in this Division, Uniformed Officers shall not consume any alcohol, regardless of amount, within four hours prior to reporting for a scheduled shift or four hours prior to operating a department vehicle. If called to come in to work within 4 hours of using or ingesting alcohol, or while impaired, the officer shall indicate the potential impairment in response to the request and shall not report unless specifically ordered to do so by an officer of the rank of lieutenant or higher who is aware of the officer's prior consumption of alcohol; when so ordered, the officer shall arrange appropriate transportation.

ARTICLE III. GENERAL PROVISIONS

Section A GENERAL

1. Hours of Work

The City Manager may direct Department Heads to establish: daily starting and quitting time of employees; duration of the lunch period; eligibility for, length, and location of cleanup time and work breaks; and general work schedules for various jobs and departments in order to most effectively complete duties and responsibilities.

2. Schedule Changes

Any schedule change shall be communicated to the employee as far in advance as practicable.

3. Maximum Hours Worked

An employee shall not be required or allowed to work more than two consecutive shifts (16 hours for 40-hour employees) without at least a one-shift break unless extenuating circumstances are involved. Special departmental provisions shall apply for Firefighters on a 56-hour schedule.

4. Tardiness/Absence Due to Inclement Weather

It is the City's policy to maintain all work schedules without interruption regardless of weather. Unless the City Manager declares otherwise, time off due to poor weather will not be considered as special compensable leave. If weather conditions make it not possible for an employee to come to work as scheduled, this absence is to be charged to any form of accrued leave, excluding sick leave, to cover the absence. The employee will be in non-pay status if no applicable accruals are available.

5. Leave Usage

A Department Head may establish the means by which leave usage will be approved and scheduled pursuant to the needs of the operations.

a. Family and Medical Leave Act of 1993

The City of Columbia is compliant with the Family and Medical Leave Act of 1993 (FMLA). Eligible employees, as defined in Ordinance 19-4, are entitled to family and medical leave under the terms and conditions stated in this policy, the regulations issued by the Department of Labor under the FMLA and in the City of Columbia's applicable leave policies.

Family Medical Leave time is tracked using a rolling 12 month period (backwards).

Paid time off and Worker's Compensation run concurrently with FMLA. If FMLA leave is approved, the employee is required to use all applicable leave accruals prior to any portion of the leave being unpaid. No additional time off benefits will accrue while the employee is in unpaid status.

During FMLA leave, benefits (as applicable) will continue at the same level of coverage prior to the approved leave. Employees must continue to make the same insurance contribution while on leave as required when actively at work to maintain the same level of insurance coverage. If at any time during the approved FMLA leave

the employee does not receive a paycheck, the employee must contact the Human Resources Department to make arrangements to pay missed deductions. If an employee does not return from an FMLA leave of absence, as allowed by law, the City will terminate benefits retroactively to midnight the last day of the month through which premiums were paid.

An employee's inability to perform job duties while out on Family Medical Leave (FMLA), is assumed to extend to any other job duties the employee may have outside of City employment as indicated in the employee's medical certification. If you are not on an approved FMLA leave or you give a false or non-validated reason for a leave of absence, disciplinary action up to and including termination of employment may occur.

When two spouses/domestic partners are employed at the City of Columbia, the amount of FMLA leave is limited to an aggregate of 12 weeks when the leave is for:

- "Bonding" (the birth, adoption, or foster care placement of a child)
- Qualifying exigency
- To care for the employee's parent with a serious health condition

Spouses/domestic partners employed by the City of Columbia are limited in the amount of family leave they may take for the birth and care of a newborn child, placement of a child for adoption or foster care, or to care for a parent who has a serious health condition, to a combined total of 12 workweeks (or 26 workweeks of leave to care for a covered service member with a serious injury or illness). Leave for birth and care, or placement for adoption or foster care, must conclude within 12 months of the birth or placement of the new child.

When employees request FMLA leave for their own serious health condition or that of a family member, the employee is required to submit a completed Certification of Health Care Provider form.

In order to return to work from an approved continuous FMLA leave due to the employee's own serious health condition, an official City of Columbia return to duty form must be completed by the treating health care provider, stating the employee is able to resume the essential functions of their job. This form must be submitted to the employee's supervisor as soon as they are released to return to work. If the return to duty form is not received, the employee's return to active employment may

be delayed until the form is provided. In addition, if an employee is returning to work earlier than anticipated, their supervisor must be notified two (2) business days prior to the expected return date; failure to notify a supervisor may delay return to active employment.

The City of Columbia reserves the right to request a return to duty form for employees on approved intermittent FMLA leave.

6. Unacceptable Sick Leave Usage

An employee whose attendance record indicates a suspicious pattern of sick leave use shall be advised how and why the use of sick leave is suspect, and the employee will be given an opportunity to provide reasonable explanation for usage. Whether or not sick leave usage has previously been approved shall not be a consideration for the purpose of this provision, inasmuch as a pattern cannot be identified until usage has occurred, and since it is impractical for management to thoroughly investigate every case of leave use for legitimacy. The burden of proof for establishing sick leave legitimacy shall be on the employee. A suspect pattern of sick leave usage, if it does not cease following the supervisor's advisement of the problem, shall be just cause for denial of sick leave benefits for a period of time to be established by the Department Head and Director. If sick leave is denied and not supported in fact, other paid leave may not be substituted to make up the loss. Unsubstantiated sick claims which are not subsequently substantiated shall be just cause for disciplinary action.

7. Premium Pay for Overtime Exempt Employees

Under emergency or critical circumstances, as documented, and requested by the Department Head and approved by the City Manager, employees ineligible for formal overtime may be granted premium pay at the normal salary rate or 1.5 x the normal salary rate.

8. Maximum Job Assignments

An employee may hold only one concurrent full-time budgeted position with the City unless the employee is in an acting capacity on a temporary basis. Additional work with the City for employees shall be allowed only with the written permission of the Director and the Department Head(s) involved.

9. Clean-Up Time

Department Heads shall issue departmental rules and regulations concerning clean-up time. Supervisors shall use reasonable discretion in implementation of said rules and regulations on clean-up time.

10. Required/Mandatory Overtime (Other Than Emergency Overtime)

If it is determined by management that overtime work is needed in order to complete work or services, the qualified and eligible employee(s) shall be expected to provide the necessary services. If possible, overtime should be equalized, pursuant to ordinance provisions (Section 19-96); and Department Heads may establish specific departmental procedures for assigning the overtime, such as (but not limited to) seniority priority (within a given skill), volunteer assignment, and/or a similar approach. Any such departmental rules shall be reviewed by the Director prior to issuance.

11. Harassment

No City employee shall subject any person to harassment because of that person's protected category as defined in 19-4.

Harassment includes, but is not limited to, any verbal, visual, physical or written action which intends or works to demean or intimidate the person to whom it is directed or creates a hostile or offensive work environment.

Sexual harassment also includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, or any other verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made, either explicitly or implicitly, as a term or condition of an individual's employment; or (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or (3) the conduct has the purpose or effect of interfering with an individual's work performance or creates an intimidating or offensive work environment.

- a. A City employee who feels he or she has been harassed, as defined above, by a supervisor, co-worker or member of the public is encouraged to report such harassment as follows:
 1. By contacting the Human Resources Department directly; or
 2. By making a verbal or written report to his or her immediate supervisor or, if the supervisor is the harasser or is believed to be unsympathetic, to the department head.
- b. Whenever a harassment complaint is received by a City department or the department receives knowledge that harassment may be occurring, the department shall immediately contact the Human Resources Department. All harassment complaints shall be kept confidential except to the extent necessary to end the harassment, or as required by law. The Human Resources Department shall immediately take steps to investigate all harassment complaints

and shall make the appropriate recommendations to the department head or City Manager. To the extent possible, the Human Resources Department shall consider the wishes of the person making the complaint if and when recommending remedial activity by the City.

12. Re-employment of Former City Employee

To ensure consistent treatment of any former employee the City of Columbia decides to rehire, below are the requirements departments must follow to rehire a former City employee:

1. There shall be a break in service (employment) with the City of at least 91 days before any former city employee may be rehired, unless the rehire is part of a competitive selection process for a permanent position.
2. The rehire of any former City employee who is receiving a LAGERS retirement benefit from the City of Columbia shall be limited to a schedule of no more than 28 hours of work per week and 1,450 hours per calendar year.

If the former employee is rehired into more than one City position at the same time, the 28 hours of work per week and 1,450 hours per calendar year must be determined across all City positions at any time.

NOTE: The LAGERS retirement plan has specific statutes that the City must comply with. Re-employed LAGERS participants who exceed 28 hours per week and 1,450 hours per calendar year “shall forfeit one monthly benefit allowance for each calendar month in which the retiree renders service in connection with re-employment”. This means that the City of Columbia’s LAGERS retirees who are reemployed and exceed these limits have to pay back the LAGERS benefits received for every month they worked again for the City. Exceeding 1,450 hours requires the City to begin making LAGERS contributions for the rehired employee. Non-compliance carries substantial risk for both the City and participants under the plan.

Section B PAY PERIOD/RATE BASE/PAYROLLS

1. Paydays shall be on a bi-weekly schedule with pay periods ending on the week between regular paydays. Effective October 7, 2018, all employees are required to participate in payroll direct deposit as a condition of employment. Accounts must be established with banks, credit unions, or pay cards that support direct deposit. Employees select the financial institution that will receive the direct deposit. Employees must complete a payroll direct deposit form. The form is available at new employee orientation, at MyColumbiaMo.com, and/or from department HR liaisons. Completed forms, with original signature, must be

submitted to the payroll office within three (3) days of hire. Employee identity will be verified from a valid photo ID. Employee pay will be electronically deposited into one or more checking or savings accounts, or pay cards, designated by each employee.

2. Computation of Time, Pay

Employees shall be remunerated at either an hourly rate or a salary rate. Eighty (80) hours constitute a pay period (one hundred twelve (112) hours average for Firefighters and eighty (80) hours for non-exempt commissioned Police personnel and Airport Safety Officers). Eligibility for salary adjustment consideration and/or performance evaluation shall be in either one-year, six-month, or more frequent intervals (depending on the classification) following the last evaluation, promotion, or placement in a position.

Beginning February 20, 2020 the pay period for Firefighters will be one hundred thirty-six (136) hours.

3. Changes in pay shall be signed by the Department Head and approved by the Director. A copy of all formal actions affecting the employee shall be retained in the employee's permanent personnel file.
4. Individuals who are absent from work without authorized leave shall have their paycheck reduced by the number of hours the employee was away from assigned duty. Such deduction(s) shall be in addition to any appropriate disciplinary/corrective action. Applicable accruals will be reduced to cover lost time unless the lost time is included as part of a disciplinary action or unauthorized absence. Lost time will result in pro-ratio of earned accruals.
5. Overtime exempt salaried employees may be authorized to be absent for less than eight (8) hours when the employee has no leave accrual to cover the absence. Such absence shall not result in the employee's paycheck being reduced.
6. Recording Hours on Timesheets

Payrolls shall be submitted by Department Heads on standardized forms; and individual Department Heads shall utilize the necessary means to maintain precise records of time worked and absences (time clock, leave requests, etc.).

Time worked by overtime eligible employees must be recorded on the day it is worked. However, hours worked on Sunday from midnight to seven (7) a.m. shall be recorded as worked on Saturday to ensure payment in

accordance with the designated FLSA cycle. Supervisors are responsible for ensuring complete and accurate accounting of time worked

Employees wishing to check on time accruals or who have other questions concerning their time and/or payroll may review accruals and pay information online through Employee Self Service (ESS) or may contact their duly authorized supervisor. The employee and/or supervisor may subsequently contact the Finance Department or Human Resources Department for further information, clarification, or adjustment.

Scheduled work periods are as defined in 19-96:

(a) The work period for Fire Department shift employees is two hundred four (204) hours in a twenty-seven (27) day period (fifty-six (56) hours per week average).

Starting on February 20, 2020 the work period for Fire Department shift employees is one hundred thirty-six (136) hours in an eighteen (18) day period (fifty-six (56) hours per week average).

(b) The work period for Police Officers, Sergeants and Airport Safety Officers is eighty (80) hours in a fourteen (14) day period.

(c) The work period of all other overtime eligible employees is forty (40) hours in a seven (7) day period.

(d) Employees assigned to work less than their regularly scheduled hours in a week shall only use accruals needed to reach their regularly scheduled hours.

(e) All work periods begin at seven (7) a.m. on Sunday.

Accruals include vacation, sick, floating holiday and compensatory time. All hours in pay status are counted as hours worked for purposes of overtime eligibility.

It is an overtime eligible employee's choice when compensatory time is paid out.

Vacation time can only be paid out in accordance with Section 19-129(b) for Fire Department employees who are limited to two working weeks of vacation annually and 19-129(e) for all other City employees. Unclassified employees are not eligible for vacation payout except at time of separation from City service.

7. Rounding

The City tracks employee hours worked in 15 minute increments, and the Fair Labor Standards Act (FLSA) allows an employer to round employee time to the nearest quarter hour. Employee time from 1 to 7 minutes is rounded back, and counted as hours worked. Employee time from 8 to 14 minutes is rounded forward, and not counted as a quarter hour of work time. See Regulations 29 CFR 785.48(b).

The City Rounds time as follows:

8:01-8:07 rounds back to 8:00
8:08-8:14 rounds forward to 8:15
8:16-8:22 rounds back to 8:15
8:23-8:29 rounds forward to 8:30
8:31-8:37 rounds back to 8:30
8:38-8:44 rounds forward to 8:45
8:46-8:52 rounds back to 8:45
8:53-8:59 rounds forward to 9:00

While time is rounded for pay purposes, this practice does not authorize employees to be late to their assigned shifts. Tardiness is subject to disciplinary action.

Section C PERFORMANCE IMPROVEMENT EVALUATIONS

1. Forms provided by the Director will be used to evaluate the work performance of all employees.
2. Evaluations shall be completed at least annually on each employee.
3. Probationary and qualifying periods shall not be extended more than one time, unless exceptional circumstances are evident and if both the Department Head and Director concur in the matter.

Section D PERSONNEL RECORDS AND REPORTS

1. The Director shall establish and maintain all records necessary for the proper administration of the personnel program including the official, formal, permanent personnel record for each employee.
2. Personnel Transactions

All appointments and other personnel transactions involving City employees shall be made on forms designated by the Director. No transaction will be

completed until the appropriate forms have been submitted and approved. Employees shall receive a copy of personnel transactions or evaluations affecting them.

3. Release of Employee Information

All employment verification requests will be processed by the Human Resources Department. Only information on name, class title, job description, length of service, salary, and employment status will be made available for public use.

4. City of Columbia policy on access, use and dissemination of criminal history record information and Missouri Uniform Law Enforcement System information

This policy sets forth the requirements for all employees of the City of Columbia that access, use and disseminate criminal history record information and Missouri Uniform Law Enforcement System information. All such employees will adhere to all state and federal laws and regulations related to the access, use and dissemination of such information received via a law enforcement telecommunications network. Failure of an employee to follow this policy may subject the employee to disciplinary action up to and including termination of employment.

5. Destruction of Records

Service records of permanent employees shall be retained according to State of Missouri Retention Guidelines.

6. Change of Address, Telephone, Status

Employees are required to notify their Department Head and the Human Resources Department immediately following a change of address or telephone number. Employees may also update addresses and telephone numbers in Employee Self Service (ESS). Changes in beneficiaries, marital status, births or deaths should be reported to the Human Resources Department.

7. Mandatory Telephone Requirement

A Department Head may require, as a condition of employment for specified positions, that an employee have a telephone, and that the employee provide his telephone number to the Department Head.

Section E SERVICE INTER-CHANGEABILITY AND EMERGENCY APPOINTMENT

1. Service Inter-changeability

Employees may, as need arises, be assigned to work on priority City projects in whatever capacity they may be capable and in whichever department or division their services may be utilized most productively.

2. Emergency Appointment

Under extenuating conditions, Department Heads may temporarily appoint individuals to work for the City for the purpose of alleviating problem conditions caused by the weather, natural disasters, fires, or other calamities without following standard recruiting/screening procedures.

Section F COMMUNTING, MILEAGE REIMBURSEMENT, USE OF CITY VEHICLES, INATTENTIVE DRIVING AND PERSONAL ELECTRONIC DEVICE USE, ACCIDENTS, PARKING

1. Commuting:

Definitions:

“**Authorized passenger(s)**” means City employee(s) or other individual(s) involved in the conduct of official City business.

“**City Vehicle**” means any licensed motor vehicle owned or leased by the City of Columbia and used primarily to transport people or property over roads, highways or on City property.

“**Commuting**” means the use of City vehicles by City officials or employees for the purpose of traveling between employee’s official work station and residence. Commuting shall only be authorized if it is considered “exempt commuting”, in that the employee is exempted from federal and state taxation reporting requirements. Included is “De minimus” use and work related use of a “Qualified non personal vehicle” as defined by the Internal Revenue Service.

“**Control employee**” means an Elected official *or* employees who are “highly compensated” (Generally, for 2012, those exceeding \$115,000 compensation). *IR 2008-18; Reg. 1.132-8(f); Notice 2011-103.*

“**De minimis**” means the personal use of a City vehicle that is of so small a value that accounting for it would be unreasonable or administratively impractical. Local commuting transportation provided to an employee by an employer on an occasional basis because of unusual circumstances and

unsafe conditions may be treated as a de minimis fringe benefit, and the value of the transportation that exceeds \$1.50 per trip is excludable. This benefit is not available to individuals considered control employees (defined in section 14). Whether “unusual circumstances” exist is determined with respect to the employee receiving the transportation, and is based on all facts and circumstances. *Reg §132-6(d)(2)(i)©(iii)(A)*

“Official City business” or “City business” means any activity conducted in conformance to these rules and directed and controlled by a City department to advance the lawful policies and purpose of the department.

“Operator” means any authorized City employee, elected official, appointee or other individual as provided by law, who is in control of a City vehicle and who possesses a valid driver’s license for the type of vehicle operated.

“Specialty use vehicle” means City vehicle especially equipped for a specific function or purpose (police, fire, or utility vehicles).

“Qualified non-personal use vehicle” is any vehicle the employee is not likely to use more than minimally for personal purposes because of its design including but not limited to:

- Clearly marked police and fire vehicles
- Unmarked law enforcement vehicles when used for authorized purposes by a full-time law enforcement officer
- Delivery trucks with seating for only the driver
- Qualified specialized utility repair truck
- Flatbed, dump and garbage trucks
- School and passenger buses with over a 20-person capacity
- Pickup trucks or vans with a gross vehicle weight rating of 14,000 pounds or less are also considered to be qualified non personal use vehicles if they are modified with permanently affixed City department decals or insignia and meet one of the following requirements:
 - Pickup Trucks must be equipped with at least one of the following:
 - A hydraulic lift gate
 - Permanent tanks or drums
 - Permanent side boards or panels that materially raise the level of the sides of the truck bed
 - Other heavy equipment
 - Pickup Trucks used primarily to transport a particular type of load (other than over the public highways) in a construction, manufacturing, processing, farming, mining,

drilling, timbering, or other similar operations for which it was specially designed or significantly modified.

- Vans must be equipped with one of the following:
 - Permanent shelving that fills most of the cargo area
 - An open cargo area and the van always carries material or equipment used for City business

Commuting Valuation Rule

Personal use for commuting can be valued at \$1.50 each way if all the following conditions are met:

- The vehicle is owned or leased by the employer
- The vehicle is provided to the employee for use in the business
- The employer requires the employee to commute in the vehicle for a bona fide non-compensatory business reason
- The employer has a written policy prohibiting personal use other than commuting
- The employee does not use the vehicle for other than de minimis personal use
- The employee who used the vehicle is not a control employee
- If more than one employee commutes in the vehicle, the 1.50 each way rule applies to each employee. *Reg §1.61-21(f)*

Note: The employer must require the employee to use the vehicle for a business purpose; it cannot be voluntary on the employee's part.

Commuting in City Vehicles:

1. Commuting in City vehicles is prohibited where the use of the vehicle is taxable to the employee as wages, per regulations set forth by the Internal Revenue Service.
2. Employees shall not drive vehicles between their personal residence and work station unless such use:
 - a. Has been specifically authorized by the department director and;
 - b. Is considered exempt commuting and therefore not taxable to the employee as wages, per regulations set forth by the Internal Revenue Service. Exempt commuting may be allowed under the following circumstances:
 - i. The employee works from his/her home and the department head has determined that it is unreasonable for the employee to pick up and drop off the vehicle each day, or;
 - ii. The employee is subject to 24-hour call and must operate a qualified non-personal use vehicle as defined by the Internal

- Revenue Services; or
- iii. It occurs in conjunction with official travel and is considered occasional and de minimis.

2. Vehicle Usage:

1. City vehicles shall be operated only for the performance of City business in accordance with Section 301.260 RSMo.
2. The operator of a City vehicle must be a City employee, elected official, appointee or other individual as provided by law, or possesses a valid driver's license for the type of vehicle operated.
3. Only authorized passengers (as approved by the department director) are permitted to ride in City vehicles. Non-City individuals such as volunteers, spouses, and children should not be passengers in a City vehicle unless they are involved in the conduct of business or have been approved.
4. City vehicles are highly visible to the public and their use is scrutinized. Thus, poor driving manners and inappropriate use reflect on all City employees. Operators must exercise the highest degree of prudence and courtesy. The following are responsibilities of the operator while driving City vehicles or private vehicles on City business.
 - a. All occupants shall use safety restraints where equipped.
 - b. Established speed limits and all other traffic regulations must be followed. Parking and moving violation citations are the personal responsibility of the individual operating the vehicle at the time of the violation.
 - c. Consumption of alcohol or use of illegal drugs is prohibited. Further, operators must not drive while under the influence of alcohol, illegal drugs or any other substance that impairs their ability to drive. Transportation of alcohol in City vehicles is prohibited except when necessary in the conduct of City business.
 - d. Use of tobacco products is prohibited in City vehicles.
 - e. City vehicles shall be used for City business only. However, it is permissible to use a City Vehicle for travel to meals or to attend to other necessities of the operator or authorized passenger when away from their official domicile on City business. Some examples of **unauthorized** use are:
 - Travel to entertainment facilities.
 - Transporting family members, dependents or friends to school, daycare, medical appointments, social events or other personal activities.

- Conducting other personal business.
- Departments shall investigate complaints for alleged improper operation or use of a City vehicle. The operator may be subject to disciplinary action if the complaint is substantiated.
- No operator or authorized passenger shall carry or transport a firearm or other weapon in a City vehicle unless required by their official job duties related to their employment with the City of Columbia.

3. Inattentive Driving and Personal Electronic Device (PED) Use

- a. The City of Columbia has provided employees with certain equipment, including cellular phones, personal digital assistance (PDA) devices, laptop/portable computer and other equipment to assist employees in accomplishing their job duties.
- b. When using City of Columbia electronic device equipment, or when using the employee's own equipment for work purposes, employees are expected to exercise care and follow all operating instructions, safety standards, and guidelines.
- c. In particular, employees are not permitted to use cellular phones, PDA devices, laptop/portable computers, headphones, earbuds and all similar equipment for work purposes while operating a motor vehicle.
- d. Similarly, employees are not permitted to use any such devices at all while operating a City or Columbia-provided vehicle or while operating their own or another vehicle for work purposes, including traveling to or from business meetings.
- e. If it becomes necessary to use such devices while operating a motor vehicle, the vehicle must be brought to a complete stop in a safe manner and in a safe location and placed in "park."
- f. Use of these devices in any manner that is not in compliance with this policy is expressly prohibited.
- g. Employees are to refrain from doing any other activities while driving that may lead to being inattentive to their primary responsibility: ***to operate the motor vehicle safely with full attention given to driving.*** In addition to electronic device use, this includes grooming, writing or drawing, manually inputting information into a GPS or mapping device, or turning one's head substantially away from the path of travel to observe things in or outside the vehicle but contrary to the path of travel.

- h. As a limited exception, an employee may use a City issued or personal cell phone or other mobile device in a moving vehicle ONLY in an emergency situation which requires immediate communication with another employee, law enforcement officials, or other emergency service to avoid injury or death to self or others, or avoid other dangerous conditions.
- i. Any employee who is involved in an accident while using City of Columbia equipment or vehicles, or while conducting City of Columbia business, must promptly report the accident.
- j. Violation of this policy, including the improper, careless, negligent, destructive, or unsafe use or operation of City of Columbia equipment or vehicles may result in disciplinary action, up to and including termination of employment.

4. Mileage Reimbursement:

According to IRS regulations, transportation expensed (mileage) incurred by the employee in performing their job, may be reimbursed by their employer. The City of Columbia chooses to do this using an “accountable” method per IRS guidelines. By reimbursing under this plan, the employee is not subject to W-2 reporting. However, this is only true if the employee is being reimbursed for travel from their place of employment to another site, not “commuting” from their home. This policy does not affect those employees who receive an auto allowance.

5. Accidents:

In case of an accident involving a City-owned vehicle, the employee or his/her affected supervisor must notify police. The employee shall obtain, if possible, the name and address of the party(ies) involved, the name of their insurance company, and names, addresses, and phone numbers of witnesses. The employee is not to discuss the accident with anyone, except as authorized by Departmental rules and regulations, Risk Management or the City's insurance adjustors.

6. Driver’s License Requirements:

All employees who drive City equipment shall hold the required valid Driver’s or Chauffeurs' License. Loss of a required license will result in removal from the position. Loss of the license for more than 30 days may result in termination.

- a. An individual's driving habits indicate the level of risk which must be absorbed by the City while the individual is operating motorized

equipment in an official job capacity. Therefore, any employee whose driving record indicates a disregard for traffic regulations or if the individual is involved in accidents for which he/she may be held accountable, that employee may be terminated or removed from a driving capacity, or reassigned, provided there is a vacancy for which the employee is qualified, as approved by the Director, with a corresponding salary reduction.

b. Any one of the following circumstances will be just cause for discipline, up to and including termination.

- (1) Moving traffic violations;
- (2) At-fault traffic violation accidents;
- (3) Any of the following: driving with suspended license; driving while intoxicated; any criminal act using a motor vehicle; failure to report an accident; racing; resisting arrest; leaving the scene of an accident.
- (4) Inability to hold harmless the City from any liability in the event a City insurer refuses to cover the individual under blanket coverage.

7. Fuel Conservation:

It is important for the department to strive to conserve fuel in daily operations. Following are techniques all divisions are to implement:

1. Do not leave vehicles idling:
 - a. This includes “warming up” the vehicle during warm weather months.
 - b. The only exception is for vehicles which require idling to keep the battery charged.
 - c. Idling has been shown to increase wear on engines compared to restarting.
 - d. Idling increases air pollution.
2. Do not leave engine running for air conditioning
3. Observe the speed limit
4. Remove excess weight:
 - a. Avoid heavy and unnecessary items in your vehicle. An extra 100 pounds can reduce the MPG by up to 2%.
 - b. The reduction affects smaller vehicles more than larger ones.

5. Ensure proper tire pressure:
 - a. Under-inflated tires can lower gas mileage by 0.4 % for every 1psi drop in pressure of all four tires.
 - b. Properly inflated tires are safer and last longer.
6. Planning and combining trips:
 - a. Saves time and money.
 - b. Several short trips taken from a cold start can use twice as much fuel as a longer multipurpose trip covering the same distance when the engine is warm.
 - c. Trip planning ensures that traveling is done when the engine is warmed-up and efficient.

8. Parking Permits:

The City provides downtown employees with parking permits. Employees may not sell or lease their parking permits to other individuals.

Section G OUTSIDE EMPLOYMENT AND ACTIVITIES

1. No employee shall engage in an activity which will interfere with the individual's attendance or performance on the job as determined by the Department Head and the Director on an individual basis. Nor will the Department Head permit outside employment which, in his/her judgment, would reflect negatively upon the department or the City. Employees engaging in non-City employment (self-employed or otherwise) shall notify their Department Head of such activity in writing with a copy forwarded to the employee's personnel file.
2. An employee engaging in such activities may be denied sick leave for injuries incurred through participation in the activity as determined by the Department Head.
3. Employees shall not solicit funds or favors from businesses or the general public for the purpose of gaining sponsorship for employee activities, except for City Manager-approved fund-raising events.

Section H SENIORITY AND IMPACT OF SENIORITY

1. Seniority is defined as the length of continuous service with the City since the date of last hire to a permanent position. Seniority shall be established by the Department Head only in the context of the most efficient operation of a unit in terms of:
 - a. service with the City;
 - b. service in a classification;

- c. service in a department; and/or
- d. service in a division.

Seniority shall begin on the day of permanent employment but shall not apply until the probationary and/or qualifying period has been completed. An employee shall cease to have seniority if:

- a. the employee leaves City service.

The rights of any permanent employee who now or hereafter is a member of the Armed Services of the United States shall be governed by Federal Laws.

2. Effect on Seniority

Upon successful completion of a probationary period, the employee gains a seniority date in his/her classification, allowing (depending on operating needs):

- a. primary consideration in scheduling vacation and/or other leaves;
- b. primary (first) consideration in case of lay-offs and recalls to work in the same position;
- c. additional consideration for position reassignments, transfers and/or promotions, but only subsequent to evaluation of operating needs, knowledge and skills, performance, attendance, and overall work record.

Section I EMPLOYMENT OF RELATIVES

1. To avoid a conflict of interest or an appearance of conflict of interest, no employee may directly initiate or participate in decisions involving a direct benefit, e.g., initial employment or rehire, promotion, salary, performance appraisals, work assignments or other working conditions of "relatives", or persons with whom employees have a "consensual intimate relationship".

“Relative” is defined as the employee's spouse or domestic partner, children, step children, mother, step mother, father, step father, sibling(s), step sibling(s), mother in law, father in law, grandparents, grandchildren, uncles, aunts, nieces, nephews, and first cousins.

“Consensual intimate relationship” is defined as a relationship that exists when two individuals mutually and consensually understand the relationship to be romantic and/or sexual in nature, but are not "relatives" as defined above.

“Consensual intimate relationships” between employees of the City are prohibited when one participant has direct evaluative or supervisory authority over the other. Such relationships create an inherent conflict of interest.

This rule applies to all types of employment.

2. It is the policy of the City to avoid hiring "relatives" of present employees into permanent positions in the same "work unit". This section shall not apply to temporary employees. All permanent employees of each City department must be in a "work unit".

“Work unit” is defined by the criteria below. Minimum work units in a department shall be based on the following ranges of permanent employees in the department:

- a. 1 unit= 1 -25 permanent employees
- b. 2 units= 26-75 permanent employees
- c. 3 units= 76-150 permanent employees
- d. 4 units= 151 or more permanent employees

A department may have a maximum of 8 work units. All work units must have five or more employees, and report to one supervisory authority. Departments of less than 5 people shall be one work unit. All work units must be approved by the Director as meeting these criteria and the Director shall maintain a current list of work units. No person shall be promoted or transferred to a work unit when as a result he/she would be in a work unit with "relatives" or an employee in a "consensual intimate relationship".

All employees are required to report potential violations of this section to their supervisors. Should two employees in a "work unit" decide to marry or be domestic partners one must resign or transfer to another "work unit" as soon as practicable but no later than sixty (60) days after the date of the wedding or cohabitation. A transfer to a different department, or work unit is dependent upon conformity with all other personnel regulations and budgetary limitations.

WORK GROUPS BY DEPARTMENT

CITY CLERK – one work unit

CITY MANAGER’S OFFICE – one work unit

COMMUNITY DEVELOPMENT – four work units

BUILDING AND SITE DEVELOPMENT
HOUSING PROGRAMS
NEIGHBORHOOD SERVICES
PLANNING/CATSO

COMMUNITY RELATIONS – three work units

CONTACT CENTER
COMMUNITY RELATIONS
UTILITY CUSTOMER SERVICE

CONVENTION AND VISITORS BUREAU – one work unit

CULTURAL AFFIARS – one work unit

ECONOMIC DEVELOPMENT – two work units

ECONOMIC DEVELOPMENT
AIRPORT ADMINISTRATION AND MAINTENANCE

FINANCE – six work units

ACCOUNTING
BUDGETING
BUSINESS LICENSING AND ADMINISTRATION
(including the Pension Administrator)
PURCHASING
RISK MANAGEMENT
TREASURY

FIRE – six work units

FIRE ADMINISTRATION
Fire Chief, Deputy Fire Chief, Assistant Fire Chief,
Administrative Support, Supervisor, Administrative Technician
FIRE ADMINISTRATION
COMMUNITY SERVICES (Fire Marshal's Office)
Battalion Chief/Fire Marshal, Assistant Fire Marshals,
Administrative Support Assistant
SUPPORT SERVICES (Training Division)
Battalion Chief/Training Officer, Captain/Assistant Training Officer
SHIFT 1 (Suppression)
Division Chief, Battalion Chief, Captains, Lieutenants, Engineers,
Firefighters I & II
SHIFT 2

Division Chief, Battalion Chief, Captains, Lieutenants, Engineers,
Firefighters I & II

SHIFT 3

Division Chief, Battalion Chief, Captains, Lieutenants, Engineers,
Firefighters I & II

HUMAN RESOURCES – one work unit

INFORMATION TECHNOLOGY – five work units

ADMINISTRATION AND PMO

APPLICATION SUPPORT

HELPDESK

INFRASTRUCTURE

GIS

LAW – two work units

CONSELOR DIVISION

PROSECUTION DIVISION

MUNICIPAL COURT – one work unit

PARKS AND RECREATION – seven work units

ADMINISTRATION/RANGERS

ARC/ADAPTIVE/AQUATICS

GOLF/SPORTS

NATURAL RESOURCES

PARK MAINTENANCE – Grounds/Facilities

PARKS – Get About Planners/Construction

RECREATION AND COMMUNITY PROGRAMS

POLICE – eight work units

ADMINISTRATION BUREAU - Police Chief, Finance, Internal Affairs, PIO's, Records Custodian, Accreditation Manager, civilian administration support staff

OPERATIONS BUREAU (Patrol) - All Patrol Officers and Sergeants (including K9), Patrol Lieutenants, CSA's, civilian patrol support staff. NOTE: Employee may work same Patrol Squad as in Red or Blue, but may not work on a shift that overlaps that of their relative.

SUPPORT SERVICES BUREAU A - Information Center Staff

SUPPORT SERVICE BUREAU B - Property & Evidence, Fleet & Building

SPECIAL SERVICES BUREAU A - TRU, COU, Traffic

SPECIAL SERVICES BUREAU B - Airport Public Safety

INVESTIGATIVE OP SUPPORT BUREAU - Criminal

Investigations Division: includes Bureau AC, civilian support staff assigned to AC, CID Officers, Sergeants and Lieutenants
INVESTIGATIVE OP SUPPORT BUREAU - Special
Investigations Division: includes VNOC Officers/Sergeants, SCU Officers/Sergeants, VCTF Officers/Sergeants, SID Lieutenant and civilian support staff assigned to SID

PUBLIC HEALTH AND HUMAN SERVICES – seven work units

ADMINISTRATION
ANIMAL CONTROL
COMMUNITY HEALTH
ENVIRONMENTAL HEALTH
EPIDEMIOLOGY, PLANNING AND EVALUATION AND
COMMUNITY HEALTH PROMOTION
HUMAN SERVICES
WIC

PUBLIC WORKS – five work units

ADMINISTRATION ENGINEERING (Engineering includes all department engineers, engineering technicians) AND PARKING
BUILDING MAINTENANCE AND CUSTODIAL
FLEET OPERATIONS
STREET DIVISION
TRANSIT

CITY UTILITIES – eight work units

ADMINISTRATION
COLT Railroad and Transload
ELECTRIC OPERATIONS
ENGINEERING
RATES & UTILITY SERVICES
SEWER AND STORMWATER OPERATIONS
SOLID WASTE OPERATIONS
WATER OPERATIONS

Section J RESIDENCY

Department Heads may establish maximum time - distance residency requirements based on job-related considerations.

Section K ATTITUDE AND CORDIALITY

1. A reasonable friendly and courteous attitude by City employees toward the public and co-workers is required at all times. Similarly, employees are

expected to deliver prompt, thorough and efficient service to consumers to the best of their ability.

2. The City encourages a work environment that is characterized by respect for all employees. To that end the City does not permit and will not tolerate threats or violence in the work place. Nor will the City tolerate threats or violence by any employee performing City business at any location.

Threats shall include, but are not limited to:

- verbal or physical actions, either direct or indirect, intended to intimidate or instill fear in another; or
- verbal or physical actions which would be interpreted by a reasonable person as carrying potential for physical harm; or
- verbal or physical actions which a reasonable person would perceive as menacing; the carrying or possession of weapons while working on City premises.

Written or verbal reprimands, counseling cautions or other disciplinary measures by supervisors in the normal course of City business, pointing out or calling attention to the consequences of unacceptable employee behavior shall not be considered threats.

Violence shall include, but is not limited to:

- actions which are physically assaultive; displaying or brandishing a weapon at another; or
 - destroying or damaging City or personal property under circumstances which a reasonable person would perceive as menacing.
3. The actions of on duty police officers in the proper performance of their duties are not meant to be curtailed by subsection 2 above. The Chief of Police shall establish guidelines for the proper use of force consistent with the mission of the Police Department. It shall be the duty of the Chief of Police to investigate all allegations of the improper use of force or abuse of police authority. The Police Trainer shall not be in violation of “the carrying of possession of a weapon on City premises” under subsection 2 when: at the Police Training Center; or when instructing police officers on City premises; or as specifically allowed under section 16-247.

Section L SMOKING, REFRESHMENTS

1. The prohibition on smoking in public places set forth in Article IX of Chapter 11 of the City Code shall be strictly observed. Where not prohibited by ordinance, the Department Head in charge of an area may designate limited smoking areas.

2. a. Regulations concerning refreshments, snacks, and food during working hours at work stations shall be at the discretion of each Department Head, pursuant to the needs of the operation.

b. Meals and Refreshments Policy

On occasion, it may be in the City's best interest to provide business meals or refreshments as a necessary business practice. Prudent judgment for incurring such expensed is important considering they are being paid with public funds and are subject to public/media scrutiny and audit. Such expenses should be necessary and reasonable in all instances.

Since the various Department Directors are responsible for the budgets of their respective departments, they will be given responsibility for approving any meal or refreshment expensed paid from those budgets. Any such expenses incurred for events hosted or initiated by the City Manager's Office will be approved by the City Manager.

This document provides guidelines for the purchase of meals and refreshments that are paid with city funds.

A. Allowable Expenses

1. Light refreshments and food items may be provided during:
 - a. Meetings of official City business provided the meeting does not consist entirely of City employees;
 - b. Training sessions of City University, including new employee orientation; or
 - c. Retirement recognition events for long-time city employees.
2. Meal expenses of City employees are usually a personal responsibility; however, payment or reimbursement of employee(s) meals may be allowed if:
 - a. It is necessary to hold a meeting to carry out official City business which extends through breakfast, lunch, or dinner and primary purpose of the meeting is not the meal;
 - b. A member of a search committee hosts a candidate for a position (refer to section B. Meals for Candidate Interviews
 - c. A department hosts a visiting official guest(s) to the City for economic development, conventions, or similar purposes.

Meal expenses shall be limited to the cost of food and non-alcoholic beverages only.

3. This policy is not intended to replace or contradict any of the meal reimbursement procedures or policies set out in Section 19-100 in city ordinance (Chapter 19).

B. Meals for Candidate Interviews

Meals may be provided for candidate interviews situations involving department heads and other key positions under the following conditions:

- a. The number of people (exclusive of the candidate) is limited and reasonable;
- b. The meals with a candidate and members of the search committee will be reimbursed via a Travel Expense Voucher Form with supporting documentation (including a list of all attendees) and itemized receipts to Accounts Payable for reimbursement.

C. Non-Allowable Expenses

1. Refreshments/meals generally may not be provided in conjunction with routine or reoccurring staff meetings or other regularly scheduled business meetings of employees. Occasionally, circumstances may exist that warrant such expenses being incurred for a staff meeting.
2. Committee meetings and informal meetings consisting solely of city employees should not include breakfast, lunch or dinner expenses.
3. Meals associated with travel are not covered by this policy.
4. It is the city's policy to provide payment for all reasonable and necessary expenses incurred in transacting City business. The following are specific types of expenses which are considered to be of a personal nature and will not be considered a City expense:
 - Birthday or other such celebration cakes;
 - Holiday meals or celebrations for employees, including Administrative Professionals Day;
 - Gifts or donations of any kind with the exception of nominal retirement gifts to long-time city employees such as plaques, badges, etc;
 - Political events, contributions, or donations

D. Exception

Exceptions to this policy may be granted by the City Manager if warranted by the circumstances and in the best interest of the City. Prior written approval from the City Manager is required for such exceptions.

1. No City employee is permitted to make personal long distance calls on City telephones or cell phones for which there is any charge or toll without the authorization of the Department Head. Any calls of a personal nature shall be held to a minimum (both in length and occurrence).
2. Department Directors may request cellular telephones for City employees whose job duties require they maintain contact with citizens and/or other City employees. To initially request a cellular telephone, a Cellular Telephone Authorization Request Form must be completed. To maintain the continued usage of a cellular telephone all the applicable employees must sign an annual renewal form. This form should include all employees of that division/department who were previously authorized to receive a cellular telephone and for whom there has been no change in the amount of business usage in the past year.
3. Department Directors, who have employees that are required to have a cellular telephone may utilize one of the following three options for providing a cellular telephone to employees:
 - a. Provide the employee with a cellular phone with service through an agreement the City has with a cellular phone service provider. These phones are to be used predominantly for business purposes. Predominantly, for business purposed is defined as at least 80% business use. Personal phone calls should be kept to a minimum and should be of short duration. Phone bills will be audited on a periodic basis to ensure compliance with this requirement. All information regarding the use of city cellular phones, including personal use, is subject to state sunshine provisions.
 - b. Provide the employee with a monthly allowance for business use of a personal cellular phone. The monthly allowance will be processed through the payroll system and will be considered taxable income for purposes of calculating withholding taxes. Depending on the expected business use of the personal cellular telephone the employee can be offered one of three usage plans. The plans will be assigned to employees based on the employee's business cellular phone usage, employee position and employee responsibilities. The plan assignment will also be based on the combined business usage for voice, text messaging and data transmissions purposes. Business use of a personal cellular phone is subject to state sunshine provisions. The three plans available and the corresponding level of allowance are as follows:

- i. Basic Usage Plan - \$20 monthly.
 - ii. Medium Usage Plan - \$30 monthly
 - iii. High Usage Plan - \$50 monthly
- c. For employees that occasionally use a personal cellular phone for City business but do not have enough City business usage to justify an allowance; the employee may be reimbursed for City business usage of a personal cellular phone by submitting documentation of this City business usage and its corresponding cost to the employee and requesting reimbursement for this documented cost.

Section N IDENTIFICATION BADGES

1. Purpose

The purpose of this policy is to establish the requirement for all City employees to possess a City issued photo identification badge. Those employees required to wear the identification badge (as designated by the Department Head) must ensure the identification badge is clearly visible at all times.

- a. The identification badge shall be worn during working hours or any other times when the employee is on City property, engaged in City business or dealing with the public, whether “in the field” or at an office location.
- b. Individual departments shall institute procedures necessary to ensure that this policy is enforced in their department.
- c. Exceptions: Uniformed personnel will not be required to wear a photo identification badge unless otherwise determined by the Department Head. These employees, however, must have the badge in their possession. Similarly, those employees performing duties where wearing the badge may involve a safety hazard may not be obliged to wear the identification badge (although the badge must be in their possession) at the discretion of the Department Head. Additionally, designated temporary Parks & Recreation employees are exempted from this policy.

2. Obtaining New Badges

Employees who lose their identification badge will be charged a minimum of three (3) dollars for the cost of the replacement. If an employee’s badge is damaged, faded or outdated and needs to be replaced, the employee should be instructed to turn in the old badge and a replacement will be issued at no cost to the employee.

3. Termination of City Employee

Employees terminating employment with the City must turn in their identification badge along with any other City property in their possession.

Section O DRESS, HYGIENE, GROOMING

All City employees are required to maintain a neat and clean personal appearance. Each employee shall be subject to specific Department Rules and Regulations concerning proper clothing, personal hygiene and grooming.

Section P POLITICAL ACTIVITY

1. No employee, either permanent or temporary, of the City while on duty or while in a uniform that identifies him as an employee of the City shall:
 - a. canvass on behalf of any candidate, political party or political issue;
 - b. display a political picture, sticker, badge or button;
 - c. attend a political rally, fund-raising function or other political gathering;
 - d. circulate or sign a political petition; or
 - e. serve as an election judge or clerk.
2. No employee shall place, or allow to remain, upon a City vehicle or a private vehicle used by the employee in the course of his employment, any political picture, sticker, badge or button.
3. Nothing contained in this rule shall be deemed to restrict or limit the free expression of the political beliefs of any employee while off duty or when absent from duty on vacation or compensatory time for the express purpose of engaging in any political activity.
4. In the event that this regulation, or any part thereof, shall be in conflict with the provisions of any ordinance of the City, that ordinance shall apply.

Section Q PERSONAL EFFECTS

If allowed by departmental rule, or in absence of a rule by the department head, employees may bring personal effects or property to the job site provided such property or effects do not impair the job performance of the employee or the

employee's coworkers. The City of Columbia assumes no responsibility for the employee's personal property and shall not be liable if this property is lost, stolen or destroyed by any cause whatsoever.

Section R CASH DRAWERS AND PETTY CASH FUNDS

1. Cash drawers and petty cash funds exist only for the expeditious conduct of City business. No City employee with custody of a petty cash fund or cash drawer shall conduct any personal financial business from that drawer or fund or cash any personal check using the fund or cash drawer. Nor shall any City employee with custody of a cash drawer or petty cash fund allow any other person to conduct any personal financial business from the fund or cash drawer. Employees may write personal checks to pay amounts due to the City such as utility bills or reimbursement of personal phone calls or travel expenses, but such checks must be drawn for the exact amount due. Employees with custody of cash funds or cash drawers writing checks in payment for City services or reimbursements to the City shall inform their supervisors when depositing such checks in the fund or cash drawer in their custody.
2. No City employee with custody of a petty cash fund or cash drawer shall cash a check for any person out of that fund or cash drawer.
3. No City employee with custody of a petty cash fund or cash drawer shall accept for payment of amounts due the City any third-party check or any check drawn for an amount in excess of the amount due the City. Checks made out to both the City and another party in payment for debts due the City may be accepted even if drawn in an amount in excess of the debt due the City provided that no amount in excess of ten dollars in cash shall be returned to the other party. Amounts in excess of ten dollars due the other party of a dual-party check made payable to the City shall be remitted by City check. All checks received by a City employee with custody of a petty cash fund or cash drawer shall be deposited in the manner required by the City Finance Department no later than the next business day.
4. For purposes of this rule, travelers checks shall be treated as cash.
5. Petty cash funds are subject to audit by Finance at any time. An audit is required when a custodian changes or a petty cash fund is closed out.

Section S IT ACCEPTABLE USE POLICY

1. General Use and Ownership

The City of Columbia, MO, hereinafter referred to as the City, computer

systems and equipment, including Internet, e-mail, and phone, are to be used for City business only. While the City realizes that occasionally it is necessary for employees to use the Internet for personal needs, personal usage must be kept to a minimum and all other City rules must be followed. All mobile and computing devices that connect to networks owned or operated by the City must comply with City of Columbia IT standards. Under no circumstance shall personal devices connect to networks owned or operated by the City. (i.e.: physical, wireless, remote) Devices not owned by the City shall not be connected to networks owned or operated by the City; they may be granted access to the City's guest network. Under no circumstances is an employee of the City authorized to engage in any activity that is illegal under data sharing agreements, local law, state law, or federal law while utilizing City owned resources.

2. Employee Responsibilities

Employees, when representing the City, shall be professional in all use of the Internet including social media postings, profile pictures, email, etc. Employees are required to participate in annual cybersecurity training. Employees are responsible for exercising good judgment regarding the reasonableness of personal use. If an employee has uncertainty about the reasonableness of the request, employees should consult with their supervisor.

City employees shall comply with all laws, including but not limited to the Missouri Sunshine Law. Employee use of any system, including e-mail and Internet, may be a public record and subject to Sunshine laws; therefore employees should not have an expectation of privacy. Data and records generated by City employees are owned by the City. Employees shall not use, access, or transfer city data outside the continental United States of America.

City employees shall secure City equipment and email with a password/pin or other measure of security to prevent unauthorized access. System level and user level passwords must comply with the Password Requirements document.

Employees are responsible for signing off or locking the computer after they are done using it or when leaving the computer unattended. With portable equipment, employees are responsible for the security of

equipment assigned to or checked out by the employee. Employees shall report the theft, loss or unauthorized disclosure of City records, information, data, equipment or devices to the IT Helpdesk within 24 hours.

Employees must use caution when opening email attachments received from unknown senders, as they may contain malware. When in doubt, employees should call the IT Helpdesk to report suspicious emails. Under no circumstances should employees forward suspicious emails.

Employees are required to contact the IT Helpdesk prior to moving any office telephones or non-portable computer equipment and staff will move the equipment for you. The IT Department requires at least three days' notice for planning purposes. If multiple people are moving, please contact the IT Helpdesk to ensure necessary ports and electricity are available in all areas to avoid delays or confusion on moving day.

3. Supervisor Responsibilities

Supervisors are responsible for monitoring how their employees use the Internet and devices. Supervisors are also responsible for supervising their employees' compliance with this policy. The IT Department has resources available to assist supervisors with these responsibilities. Management has the right to inspect and disclose any and all files, data, or messages stored on any system or service used by the City except where prohibited by law. Supervisors are also responsible for ensuring training is completed by their employees.

4. Unacceptable Use

Employees must consult with their supervisor if they have any questions about acceptable Internet usage. Departments may also impose more strict Internet usage policies.

Unacceptable use includes, but is not limited to, the following:

- a. Preparing, displaying or transmitting any material that may be considered inappropriate for the workplace.
- b. Violations of the rights of any person or company protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, including, but not limited to the installation or distribution of "pirated" or other software products that are not appropriately licensed for use by the City .

- c. Storing personal files, including but not limited to pictures, music, movies, etc. Personal files stored on City owned assets will be deleted without notice.
- d. Inappropriate Websites – Accessing websites, including but not limited to the following, is prohibited:
 - 1. Sites hosting or offering illegal content.
 - 2. Site's with no business need that have a detrimental effect on productivity.
 - i. Pornography, gambling, gaming, etc.
 - ii. Non-work related video streaming services (such as Netflix, Hulu, etc.)
 - 3. Services used to circumvent our security policies, such as proxy or VPN services.
- e. Disclosing sensitive information to parties outside the City. Sensitive information includes, but is not limited to: usernames/passwords, proprietary information, personally identifiable information, individually identifiable health information, credit and debit card information, and other closed records.
- f. Malicious Activities
 - 1. Downloading or installing any type of software (personal or work-related) without authorization. If an employee needs software installed, they must call the IT Helpdesk and it will be installed in accordance with this policy.
 - 2. Knowingly introducing malicious software into the network or servers (e.g., viruses, worms, etc.).
 - 3. Host or system level scans (including networks).
 - 4. Denial of Service attacks against network/computing resources.
 - 5. Knowingly executing network monitoring with the intent to intercept data not intended for the employee's host.
 - 6. Attempting to circumvent user authentication or security of any host, network or account including elevation of privileges, or active exploitation.
 - 7. Sharing accounts/credentials with other individuals.
 - 8. Writing down usernames and passwords and displaying them for others to see. Refer to the Password Requirements document for additional details.
 - 9. Using removable devices (e.g.: thumb drives, USB drives) that are not pre-authorized or verified by the Helpdesk.

5. Policy Compliance

Employees shall be required to review and agree to the terms outlined in this document at least once a year.

The City may audit the systems to ensure compliance. Violation of this

policy may result in loss of access, disciplinary action up to and including termination. Criminal offenses will be turned over to law enforcement.

6. Exceptions and Exemptions

Requests for exceptions and exemptions must be submitted to the IT Helpdesk by the requestor's **Department head** with justification **establishing a** business need. The IT Helpdesk can be reached at 874-6330.

7. Related Standards, Policies and Processes

Related materials can be found at <https://mycolumbiamo.com>

- Password Requirements
- VPN / Remote Access Procedures
- Cybersecurity Training Requirements
- Removable Media Standards

Section T FRAUD REPORTING

A. WHISTLEBLOWER POLICY

1. General

The City of Columbia strives to conduct its business in a manner consistent with the highest ethical and operational standards and it committed to eliminating any fraud, waste or abuse, and any other improper activities that deviate from this high standard. This policy has been established to encourage City employees to report actual or suspected instances of such improprieties and to assure those employees that such reports will not result in retaliation.

2. Reporting Improprieties

City employees are encouraged to report actual or suspected instances of fraud or other ethical misconduct by City employees or contractors. City employees are also encouraged to report waste or misuse of City property or resources

Such improprieties should be reported to an appropriate supervisory employee, to the Human Recourses Department, or to the Employee Fraud, Waste & Abuse Hotline managed by the City's Internal Auditor. An explanation of this hotline, examples of reportable matters, and ways to report information are discussed at the hotline's web site.

3. Protection from Retaliation

Any City employee who, in good faith, reports an incident of improper activity will be

protected from retaliation. However, any City employee who knowingly or maliciously makes a false report of an incident of improper activity is subject to disciplinary action.

Any City employee who violates this policy and retaliates against another employee who has reported improper activity in good faith is subject to disciplinary action. In order to establish that retaliation has occurred, there must be compelling evidence that the whistleblower's reporting of impropriety was directly related to the subsequent action.

4. Identity of Whistleblower

To the extent possible and permitted by law, the identity of the whistleblower will remain confidential. However, if it is possible the identity of the whistleblower might have to be disclosed in conducting a thorough investigation, to comply with applicable laws, or to provide the accused individual the legal rights to defense.

B. FRAUD REPORTING AND INVESTIGATION PROCEDURE

1. Purpose of Procedure

This procedure sets out specific responsibilities and guidelines which should be followed related to the reporting and investigation of financial-related fraud when it is discovered (or strongly suspected) by a city employee(s) through observation or during normal work activities.

For purposes of this procedure, financial-related fraud is defined as a dishonest and intentional course of action perpetrated by a city employee(s), frequently using deception, with the intention of obtaining money, property, or financial advantage for themselves or a third party. Such activity could involve collusion with an outside party or contractor. Financial-related fraud can take many forms. Examples of financial-related fraud include, but are not limited to:

- a. Embezzlement (stealing of cash receipts or other city funds)
- b. Theft of other city resources (equipment, supplies, or materials)
- c. Fictitious claims for payments or reimbursements
- d. Falsifying time sheets or other payroll records
- e. Improper use of city credit cards
- f. Solicitation or acceptance of bribes or kickbacks

The city's Whistleblower Policy protects any employee who, in good faith, reports an incident of fraud or other improper activity from retaliation. Any supervisor or employee who violates this policy and retaliates against another employee for reporting wrongdoing is subject to disciplinary action.

2. Reporting Responsibilities

Any employee who has knowledge of the occurrence of financial-related fraud (or has strong suspicions that such has occurred), should immediately report this matter to one of the following:

1. His/her immediate supervisor. If the supervisor is involved (or suspected to be involved) in the fraudulent activity, the matter should be reported to the next person in the employee's chain of command.
2. The employee's Department Director. This might be the most appropriate reporting alternative, particularly if the director has previously requested that department employees report such matters directly to him or her.
3. The city's Internal Auditor. If the matter is reported to the Internal Auditor, it can be done in whatever manner the employee prefers, including the Fraud, Waste, and Abuse Hotline at (573)441-0473. Unless there is a reason not to do so, the Internal Auditor will share the information being reported promptly with the applicable director

The employee should not discuss the fraudulent matter with anyone other than person they reported the matter to or someone involved with a subsequent investigation.

If the fraudulent activity is reported to an immediate supervisor or the next person in the chain of command (see alternative 1. above), information and documentation regarding the matter should be sent up through the chain of command to the Department Director. Extreme care should be taken to ensure that anyone in the regular chain of command who is involved (or suspected to be involved) in the fraudulent activity is by-passed and not made aware of the matter being reported.

The Department Director should be notified of the reported (or suspected) fraudulent activity as soon as possible after it is discovered. The information reported to the Department Director should include, but not necessarily be limited to, the following:

- a. The name of the employee(s) and any outside parties involved in the fraudulent activity.
- b. Specific information regarding the nature of the fraudulent activity and any evidence gathered.
- c. How the fraudulent activity was discovered.
- d. The extent (or estimated extent) of the loss, if it can be readily determined. If this cannot be determined, the circumstances should be explained.

Upon notification that fraud (or suspected fraud) has been discovered within the department, the Department Director should promptly advise the following city officials

by email or other form of written communication of this matter, including information explaining/supporting the fraud allegation (unless the matter is insignificant¹):

- a. City Manager (or the applicable Deputy/Assistant City Manager)
- b. Human Resources Director
- c. Finance Director
- d. Internal Auditor

The Department Director may also wish to advise other city officials (i.e. City Counselor, Police Chief, etc.) of the fraudulent matter at this time, depending on the extent, nature, and other circumstances surrounding the fraud.

3. Investigation and Follow-through

The Department Director reporting the fraud allegation should arrange a meeting (or other manner of communication) within a week with the above city officials (or their designees) to discuss the matter reported and decide on an appropriate course of action. If it is determined that further investigation of the matter is necessary, this group of officials shall decide who will be responsible for the investigation.

The person(s) assigned responsibility for the investigation shall investigate the matter thoroughly and have access to any department or other city records that may be pertinent. Employees of the applicable department should cooperate and assist with the investigation, if requested to do so. The investigation and subsequent results should not be disclosed or discussed with anyone other than those who have a legitimate need to know.

Extreme care should be taken in the investigation of the suspected fraudulent activity to avoid mistaken accusations or alerting the suspected individual(s) that an investigation is underway. If an interview of the suspected individual(s) is considered and criminal charges are possible, the Police and Legal Departments should be consulted prior to the interview and before taking statements from that employee.

At the conclusion of the investigation, a report documenting the results of the investigation should be prepared. A copy of the report should be provided to the Department Director of the department affected and the other involved Cabinet members. If the fraudulent matter is likely to become public information, the Community Relations Director should be advised.

The decision to prosecute or refer the investigation results to the appropriate law enforcement authorities will be made by the City Manager, after consultation with legal counsel and senior management. Any personnel action considered as a result of the investigation will be subject to the review and approval of the Human Resources and Legal Departments.

¹ If the fraudulent matter is insignificant, the Department Director shall have the authority to handle it internally. This would include sending a note documenting the matter to the employee's personnel file.

Section U UNMANNED AIRCRAFT SYSTEMS

1. Purpose

The purpose of this policy is to enable the City of Columbia to comply with all federal, state and local legal requirements related to the use of unmanned aircraft systems (UAS) by the City of Columbia.

2. Use/operation of USA for City purposes

City UAS shall be operated for city business purposes only. Use or operation of a UAS for City purposes shall only be done in compliance with the requirements set for in 14 CFR Part 107, as amended, in effect on the date of the flight, or pursuant to the requirements set forth in a certificate of authority or exemption issued by the Federal Aviation Administration which is valid as of the date of the flight. Use or operation of a UAS for City purposes shall also comply with the requirements set forth in this policy.

- a. City Owned Property. City owned UAS may be operated on city owned property. Prior to flight, City remote pilots must seek the permission of the Department Director responsible for the property on which the City remote pilot intends to fly.
 - b. Easements, Public Right of Way and Utility Infrastructure. UAS operations conducted for the utility department and the public works department may occur within utility easements and public rights of way if the purpose of the operation is the management of infrastructure. City remote pilots must not operate a UAS above or in proximity to power plants, substations, or other critical utility infrastructures unless the flight is being conducted for the benefit of the utilities department and with the consent of the Director of Utilities or the Director's designee.
 - c. Private Property. City owned UAS may be operated on privately owned property with the written consent of the owner or occupant of the property, with the verbal consent of the property owner or occupant during an emergency, or pursuant to a search warrant, or in a situation where, as a matter of law, a search warrant is not required. The UAS must not be used for the purpose of peering or peeping into a home or occupied dwelling unit or the curtilage of the home or dwelling unit except upon issuance of a warrant issued by a judge or in a situation where, as a matter of law, a warrant is not required.
 - d. Use of UAS for Surveillance in Central Business District. Any use of UAS with a camera for general surveillance purposes in the central business district requires compliance with Sections 24-130 through 24-133 of the City Code of Ordinances.
- 3. Use of Privately owned UAS or Imagery.** No employee shall operate a privately owned UAS for city business purposes or during city work time. City departments who desire to purchase UAS services or use UAS imagery obtained through the use of a remote pilot not employed by the City must consult with the Risk Manager, the City Purchasing Agent, and the Law Department prior to purchasing or using the services or imagery.

4. **Purchases of UAS and UAS related equipment for City use.** No City employee shall purchase a UAS or UAS related equipment unless the employee has first obtained the approval of the employee's Department Director.
5. **Pilots.** All City pilots must be properly trained and certified as required by federal law. City Remote Pilots shall operate the UAS in accordance with the requirements set forth in this policy and those requirements set forth in federal, state and local laws, rules, regulations and any applicable Federal Aviation Administration issued *All information for Operator (InFO's)*. City Remote Pilots must train visual observers. Visual Observers shall comply with the requirements of this policy, and all laws, regulations, rules and InFOs. City Remote Pilots shall only use city staff as visual observers.
6. **Responsibilities of Department Directors or Director's Designee.** The Department Director or the Director's designee shall be the records custodian for the records related to the operation of the UAS which are required by law. The Department Director or the Director's designee shall register the City owned UAS with the Federal Aviation Administration, arrange for the marking of the registration on the UAS, timely file reports to the FAA as required by law, and upon request, make available to the FAA, the UAS for inspection or testing, and any associated documents/records related to the UAS which are required to be kept under federal and state laws, rules, and regulations. The Department Director or the Director's designee shall coordinate with the City's Risk Manager for risk management and insurance coverage of the UAS prior to flight of the UAS.
7. **Department Rules and Regulations related to a Department's use of UAS.** Department rules and regulations related to a specific department's use of UAS must be consistent with this policy and must be authorized pursuant to Section 19-22 of the City's Code of Ordinances. Departments that adopt a rule or regulation shall provide a copy of the approved department rule and regulation to the risk manager.

Section V EMPLOYEE LONGEVITY AND RETIREMENT RECOGNITION PROGRAM

1. Longevity Recognition

All permanent employees are eligible for lump sum longevity pay as a one-time periodic salary enhancement to recognize service. The amount of longevity pay shall be based on continuous years of service and shall be included in the regular payroll check of the pay period that includes the employee's applicable anniversary date.

Longevity pay shall be made as a one-time lump payment with \$10 for each year of service as follows:

5 years of service =\$50	10 years of service =\$100
15 years of service =\$150	20 years of service =\$200
25 years of service =\$250	30 years of service =\$300
35 years of service =\$350	40 years of service =\$400
45 years of service =\$450	50 years of service =\$500

Employees must be employed on their anniversary date to receive the longevity lump sum payment. Years of service for an employee who leaves City service and is rehired at a later date shall be calculated on the years of service on the most recent date of hire.

2. Retirement Recognition

All permanent employees, except sworn police officers, are eligible for one-time retirement pay in recognition of their service to the City (sworn police officers retain their service revolver in lieu of the one-time retirement recognition payment). The retirement recognition amount shall be paid on the employee's final payroll check and is subject to the individual's federal income tax rate.

Retirement pay shall be a one-time lump payment as follows:

0-19 years of service at retirement =\$100
20-29 years of service at retirement =\$300
30+ years of service at retirement =\$500

Years of service for an employee who leaves City service and is rehired at a later date shall be calculated on the years of service based on the most recent date of hire.

Section W MAJOR COST SAVINGS INCENTIVE PROGRAM

PURPOSE

The purpose of the City of Columbia Major Cost Savings Incentive Program is to develop increased efficiency of governmental operations through the stimulation of imaginative and inventive thinking among City employees leading to possible areas for continuous improvement, cost savings, and providing a better quality of service to the citizens of the City of Columbia.

RULES OF ELIGIBILITY

A. All City of Columbia employees shall be eligible to submit suggestions within the scope of this program and be subject to the following provisions:

1. All suggestions must be submitted on a Major Cost Savings Incentive Program Employee Recommendation Form. This form can be located on the intranet under the Human Resources main page (www.columbia.mo.gov/hr/) in the Employee Incentive Programs section or by contacting Human Resources for a hard copy.
2. All suggestions submitted in accordance with this program shall be deemed to confer on the City of Columbia the unrestricted right to the use and benefit thereof.
3. The suggestion must concisely identify a problem or area in which productivity or efficiency can be improved and recommend a remedy for that problem or specific area.

4. Employees are eligible for a maximum of one (1) payment per year not to exceed \$5,000 without the approval of the city council.
5. A suggestion nominated for an award can represent either an operational efficiency that has already been implemented or a suggestion that has not yet been approved for implementation.
 - B. For a suggestion to become eligible for an award, it should be of such a nature as to result in an achievable, measurable cost savings in time, material or both, and one or more of the following:
 1. Significant improvement in a process.
 2. Improvement in tools or equipment.
 3. Increase in efficiency.
 4. Elimination of hazard to personnel.
 5. Improvement in working conditions.
 6. Improvement in public service without increased cost.
 - C. A suggestion pertaining to the following will not be eligible:
 1. A solution to any problem which is the nominee's assigned task or responsibility, or which is an inherent part of their job.
 2. Any suggestion which duplicates or is very similar to any suggestion previously received.
 3. Suggestions for changes in procedures, new buildings, equipment, and installations in operation less than 12 months, since such ideas generally cover items that are part of the normal trial-run adjustments which ordinarily are made within that time.
 4. Suggestions pertaining to salary schedules, job classifications, benefits, and grievances.
 - D. An individual will be entitled to an award consideration even though the suggestion may be adopted in a modified form.
 - E. Any awards given are considered taxable income and payroll with-holdings will be deducted accordingly.

EMPLOYEE INCENTIVE PROGRAMS COMMITTEE

A. Membership

The membership of the Employee Incentive Programs Committee (Committee) shall consist of five (5) persons: the Director of Human Resources, who shall serve as Chairperson, the Assistant City Manager, the Deputy City Manager, a department director appointed by the City Manager, and an employee appointed by the City Manager.

B. Meetings

1. The Committee shall meet in regular session at least quarterly, provided that there is business to conduct. Additional meetings may be called at the discretion of the Chairperson.
2. A quorum will consist of three of the five voting members.
3. The Chairperson shall be responsible for making all necessary arrangements for Committee meetings.
4. The Chairperson shall be responsible for preparing an agenda, as needed, and providing any other materials necessary to conduct Committee business.

PROCESSING AND EVALUATION OF SUGGESTIONS

A. Processing of Suggestions

1. Suggestions must be submitted on the official City form referenced above along with supplementary data as the nominator feels is necessary. All suggestions must be submitted to the Chairperson.
2. All suggestions will be brought before the Committee. The Committee will determine:
 - a. Whether additional information or clarification is needed.
 - b. Which department(s) would be most affected by the suggestion if implemented.
 - c. Whether the suggestion needs to be evaluated by the Risk Management Division or another department such as Purchasing, Information Technology, or the appropriate operational division.
3. The Chairperson will communicate with the nominator and/or whomever the Committee deems to be appropriate evaluators of the suggestion. The evaluators will be asked to determine whether the suggested solution will solve the problem and to estimate implementation costs.

B. Evaluation of Suggestions

1. The Committee will review the suggestions and the responses from evaluating departments. If the Committee determines it has enough information, it will make a decision on the suggestion. If not, it can be sent back to one or more departments for additional documentation or other information.
2. When the Committee makes a decision concerning a suggestion, the decision should be a consensus of the Committee members at the meeting. The decision should be one of the following:
 - a. The Committee does not to approve implementation of the suggestion. The Chairperson shall notify the nominator in writing as to the reason(s) why the suggestion was not approved.
 - b. The Committee approves implementation of the suggestion (if not already implemented) and then uses the following criteria to determine a recommendation for the award:

- (1) Tangible Savings - ideas whose benefits can actually be measured in "before and after" costs. Upon a finding by the Committee that a significant net cost savings will result, or did result, by the adoption of a suggestion, the Committee may recommend that an award be paid to the nominee. The recommendation will be sent to the City Manager for approval.

Cash awards for tangible suggestions shall be as follows:

Documented Cost Savings	Award
\$500,000 or more	Up to \$5,000
\$300,000 - \$499,999	Up to \$4,000
\$100,000 – 299,999	Up to \$3,000
\$50,000 - \$99,999	Up to \$2,000
\$10,000 - \$49,999	Up to \$1,000
\$5,000 - \$9,999	Up to \$500
\$1,000 - \$4,999	Up to \$250

- (2) Intangible Savings
Intangible suggestions are ideas that may have an overall benefit, but whose benefits cannot be measured in dollars. These suggestions may involve improvements in working conditions, changes in procedures, revision of forms, improvement in employee morale, public relations, or employee health or safety. These suggestions shall be eligible for a cash award not to exceed \$100 upon the adoption and/or successful implementation of the suggestion.

MISCELLANEOUS RULES

1. Any award granted for a suggestion submitted by two or more nominees shall be equally divided among the nominees unless some other division is requested by the nominator. The Committee shall, upon the request of multiple nominees, recommend the appropriate division to the City Manager.

Feedback shall be provided to the nominator within 90 days of submission.

Section X Poll Worker Leave

The city council recognized that there is a need for a pool of available individuals to serve as poll workers in Boone County in order for our democratic process to operate in a fair and efficient manner. Accordingly, the city council passed a new ordinance on October 5, 2020, Section 19-134, that allows permanent full time and permanent part time employees to take paid leave on Election Day to serve as poll workers ("Poll Worker Leave"). This rule explains how this leave is requested and what documentation is needed when the request is made and to verify actual participation as a poll worker.

Applicability

Under the ordinance, Poll Worker Leave only applies to permanent employees who work full time or part time. Employees who are classified as temporary or non-permanent appointment types such as seasonal, intermittent, etc., are not eligible for Poll Worker Leave.

The use of leave applies only to hours actually worked as a poll worker during normal working hours. An employee must work or take other approved leave on Election Day for any hours of the City workday that fall outside the hours worked as a poll worker.

For example, Pat's normal working hours are from 12:00 a.m. to 8:30 a.m. with a half hour meal break at 4:00 a.m. If Pat begins working as a poll worker at 4:30 a.m. then Pat is eligible for four hours of Poll Worker Leave (4:30 a.m. to 8:30 a.m.). Pat must either work from 12:00 a.m. to 4:00 a.m. or get approval to use other leave, such as vacation, floating holiday or compensatory time, for those first four hours of the shift.

An employee cannot take both Poll Worker Leave and another form of paid or unpaid leave for the same hours. So, for example, if Pat takes vacation leave from 4:30 a.m. to 8:30 a.m. on Election Day, then Pat is not eligible for Poll Worker Leave.

Prohibition of Engagement in Political Activity

Section 19-39 of the City Code prohibits an employee from engaging in any political activity while being compensated by the City. Section 19-134 specifically limits the use of Poll Worker Leave to non-partisan poll worker activities. As a result, an employee utilizing Poll Worker Leave is prohibited from serving as an election judge selected to serve based upon political affiliation or having any position at the polling station that is based on party affiliation. Participation in a position that is associated or identified with a political party will cause the employee to be considered absent without leave for that day and may subject the employee to pay adjustment and/or discipline.

Prohibition on Wearing City Clothing

Section 19-107 prohibits the wearing of any city-issued uniforms and clothing except when on duty or traveling to and from work. For that reason, a city employee may not work as a poll worker while in city-issued uniforms or clothing.

Procedures

Employees requesting Poll Worker Leave and supervisors who receive the requests for leave must follow these procedures:

Request for Leave: The employee must submit a City of Columbia Leave Request Form to the employee's immediate supervisor in accordance with the employee's department leave request policy or as soon as practicable. The City of Columbia Leave Request Form is attached to this document and available on the City of Columbia Employee Website at <https://www.mycolumbiamo.com/document/request-time-off>.

Additionally, the employee must attach to the request for leave a copy of the employee's certificate of appointment issued by the election authority in Boone County, or another form of confirmation from the election authority that the employee will be serving as a poll worker on a particular Election Day. Any request for time off that is not timely or presented in the proper manner shall be denied.

Supervisor review and approval: Requests for Poll Worker Leave shall be subject to the operational needs of the employee's work unit. If the number of employees requesting leave on Election Day would prevent a work unit from fulfilling its operational obligations, then the request for Poll Worker Leave must be denied. Requests are to be reviewed and granted in the order received. If more than one request is received at the same time, then the requests will be considered in order of seniority.

Upon receiving a properly completed leave request form with the required documentation, the supervisor shall review the needs of the unit to determine whether granting the leave would prevent the work unit from fulfilling its operational obligations. The supervisor shall note the date and time the request was received on the form. The supervisor is responsible for notifying an employee when the form is not completed properly or when documentation is missing. The supervisor shall give such notification prior to marking the leave form as being accepted.

The supervisor's date and time of acceptance is the sole factor in determining when a request was submitted. Incomplete forms or forms with missing documentation will not be considered submitted until the error is corrected.

Approval subject to revocation: The supervisor may revoke the approval of Poll Worker Leave if operational circumstances of the employee's work unit so require. A supervisor who makes this determination shall follow existing department procedures for revoking approved leave. It is the employee's responsibility to notify the election authority if the employee is no longer available to serve as a poll worker on a particular Election Day.

Verification of work as a poll worker: After the election, the employee must verify to the employee's supervisor the employee's service as a poll worker in each instance that the employee utilizes Poll Worker Leave. On the employee's first workday following the election, the employee shall deliver a properly completed and signed Poll Worker Leave Verification Form to the employee's immediate supervisor. The Poll Worker Leave Verification Form is attached to this document and located at <https://www.mycolumbiamo.com/document/request-time-off>.

Additionally, within 5 working days of receiving payment from the election authority, the employee shall submit proof of the payment to the employee's immediate supervisor. The supervisor shall attach the copy of the proof of payment to a copy of the employee's previously submitted verification form. Verification forms shall be kept by each department with leave request forms.

Verification will not be considered timely if submitted more than thirty (30) days beyond the date the employee utilized Poll Worker Leave. Failure of the employee to timely submit the required

verification to the employee's immediate supervisor will cause the employee to be considered absent without leave for that day and may subject the employee to pay adjustment and/or discipline.

Time sheet records: Approved Poll Worker Leave shall be recorded on the employee's time sheet using pay code 590.

Any employee who fails to follow the procedures set out in this procedure may be subject to disciplinary action, up to and including dismissal. The supervisor shall notify the department head and the Human Resources Director of any circumstance where fraud is suspected so that improper payments may be recovered.

ARTICLE IV. SAFETY

Section A IMPLEMENTATION OF JOB ASSIGNMENTS

All City employees shall be responsible for implementation of job assignments in the safest manner possible. Prime consideration always shall be given to safety in operation.

Written safety policies and procedures shall follow the process of City Ordinance section 19-27.

Implementation of a safety program shall be the joint responsibility of the Finance Director and all supervisors, division heads and department heads who shall:

1. Be held responsible for: the establishment and implementation of appropriate safety standards within their respective activity areas; periodically reviewing accident frequency and causes; inspecting for and correcting safety hazards.
2. Ensure that all new employees (including seasonal, temporary, and/or part-time) are thoroughly advised, instructed and supervised in necessary safety policies, practices and procedures prior to assuming their assigned duties/responsibilities
3. Assist the Finance Director in arranging and conducting safety meetings, inspections, and training sessions.

4. Whenever possible, follow through with the Finance Director's recommendations for correcting hazardous conditions.
5. Provide and require equipment necessary to adequately protect the health and safety of employees.
6. Immediately investigate all accidents thoroughly and prepare all necessary forms for documentation and future prevention of on-the-job injuries and hazardous conditions.

ALL CITY EMPLOYEES SHALL:

1. Be thoroughly familiar with safety requirements and practices for their respective assignments. Actively comply with all safety policies procedures, practices, requirements and reporting requirements.
2. Actively participate in safety practices, IMMEDIATELY reporting unsafe or potentially dangerous conditions and accidents or injuries to their supervisors.
3. Realize that horseplay, fooling around, wrestling, practical jokes, or any hazing of co-workers constitutes a violation of safety practices and shall be cause for disciplinary action up to and including dismissal.

Section B ON-THE-JOB INJURY PROCEDURES

1. Any individual who is injured (regardless of severity) shall immediately report the incident to the immediate supervisor who shall in turn prepare the appropriate forms (a report of injury, supervisor's investigation form) within 24 hours following knowledge of an accident.
2. An employee injured on the job and requiring medical attention may be referred to the City's designated medical provider by the employee's supervisor or Risk Management. In case of an emergency, the nearest medical help shall be solicited. Authorization (may be after treatment in case of an emergency) for any medical treatment shall come from either the Department Head, his/her duly authorized supervisor, or the Risk Management Office. It is the intent of the City that specialized treatment be provided to the employees. At no time will the City's Worker's Compensation insurance pay for the services of a chiropractor unless those services are prescribed by an approved physician.

3. Where an employee has been injured on the job to the extent that absence from work is required, a written statement from the doctor shall be delivered to the employee's supervisor, who shall in turn forward same to the Risk Management Office. This is necessary so that the insurance service will begin the Worker's Compensation payments. The employee may use a pro-rated amount of accumulated leave to supplement Worker's Compensation payments in order to attain a normal take-home paycheck.
4. On the day of accident or first medical attention, an employee will be excused from work without loss of pay, vacation or sick leave for the period of time required to obtain necessary medical attention. The remainder of the day will be excused without loss of pay, vacation or sick leave if the attending physician recommends that the employee not return to duty.

If the employee is able to return to work after the accident or first medical attention, he/she will be excused from work without loss of pay, vacation or sick leave for the period of time required to obtain medical attention related to the injury or illness.

ACCIDENT AND INJURY SUSCEPTIBILITY

An individual whose record shows a series of accidents and/or injuries which may or may not be the fault of the individual, shall have their accident and/or injury record(s) reviewed by the employee's supervisor(s) and the Risk Manager. Every effort shall be made to establish why an individual may have susceptibility to injuries or accidents, and the cause shall be addressed immediately.

Section C MEDICAL INFORMATION RELEASE

In the event medical information is requested of an employee in order to determine fitness for duty, probable extent of incapacitation, length of absence, confirmation of medical review, progress in alleviation of problem, or for similar reasons, an employee will arrange for release of said information to the City's medical advisor.

An employee injured within the provisions of this section is required to file a medical records information release form IMMEDIATELY with the City's medical advisor.

If an additional medical opinion is deemed necessary to clarify a problem, the employee will be reimbursed for costs not covered by City insurance for cases involving on-the-job injuries (other than on-the-job injury situations will be the employee's responsibility).

If possible, an employee who is partially incapacitated may be placed into a transitional duty assignment.

Section D QUALIFYING MEDICAL EXAMS

1. Department of Transportation (DOT)

All applicants must successfully complete a post-offer DOT physical examination with the City's medical advisor prior to placement in a position that requires Commercial Driver License (CDL) and at least bi-annually thereafter.

All employees required to operate a city commercial vehicle outside the "intra city zone", defined as including the city limits of Columbia and all areas within six miles of corporate limits, must successfully complete a DOT physical examination with the City's medical least bi-annually.

Employees as of December 31, 2016 that are in a CDL required position and not required to operate outside the "intra city zone" are not subject to the DOT medical card and are **exempt** from the DOT medical requirement as long as they have continuous service in a CDL required position and do not drive outside the intra city zone. An excepted employee that leaves City employment or vacates a CDL required position shall be subject to the DOT medical card requirement if again placed in a CDL required position.

Employees who do not successfully complete a DOT physical examination will be removed from duty.

2. Commissioned Personnel

All commissioned Airport Safety, Park Ranger and Police employees/candidates must successfully complete a medical physical examination prior to employment and at least every two years thereafter. All commissioned Fire employees/candidates must successfully complete a medical physical examination prior to employment and an annual medical physician thereafter. Physicals are performed by the City's medical advisor.

Section E TRANSITIONAL DUTY PROGRAM POLICY

1. Purpose

The City of Columbia is committed to helping employees with a temporary medical issue return to work. In furtherance thereof, the City offers a transitional duty program. The goal of the City's transitional duty program is to assist employees in recovery by gradually reintroducing him or her to the demands of full time work, to maintain a working relationship with the employee during recovery, to provide a normal work routine that contributes to the employee's financial stability and mental well-being, to reduce lost time

days, and to ultimately promote a safe return to work for the employee. The purpose of this policy is to comply with all state and federal mandates and clarify the conditions under which the City may place an eligible employee on a transitional duty assignment. The purpose is also to provide guidance to the departments for administering the program uniformly, fairly and consistently.

2. General

City employees who are eligible under this policy may be provided a transitional duty assignment to assist in his or her return to the employee's regular position. Inclusion in this program is a courtesy, it is not a guarantee.

3. Transitional Duty Assignment

A transitional duty assignment is defined as temporary work of specific duration, but not to exceed ninety (90) calendar days, which can be accomplished by an eligible employee who is qualified to perform the assignment. A transitional duty assignment is further defined as temporary work which, when accomplished, will contribute to the fulfillment of the mission of the department as distinguished from "make work" assignments created solely to accommodate injured employees.

4. Eligible Employees

Any permanent employee who is not currently qualified to perform the essential functions of his or her regular employment position, with or without a reasonable accommodation, due to a temporary medical injury, illness or condition may be considered eligible for a transitional duty assignment. A temporary medical injury, illness or condition, for purposes of this policy, is defined as a health-related impairment which is only expected to prevent the employee from being qualified to perform the essential functions of his or her regular position for a period of ninety (90) calendar days or less from the time of the employee's application for transitional duty.

Employees who are unable to perform the essential functions of his or her regular position due to a medical condition, but are not eligible for this program - because he or she is not a permanent employee, or the employee is not expected to return to his or her regular position within ninety (90) days - should request a reasonable accommodation from Human Resources to initiate the interactive process. The transitional duty program is intended for eligible employees with temporary injuries to assist in his or her return to work; however, the Director of Human Resources may, in his or her discretion, provide a transitional duty assignment for ineligible employees under appropriate circumstances in the course of a reasonable accommodation request. Similarly, the Risk Manager may make a formal offer of transitional duty assignment, in his or her discretion, to ineligible employees under appropriate circumstances in the course of a workers' compensation issue.

5. Availability

a. Assignment Proposals. Directors of the various City Departments will periodically submit proposals for transitional duty assignments available in his or her respective department to Human Resources. Each assignment proposal shall indicate the following: the type of work, the qualifications for the assignment including physical, training and certification requirements, the estimated duration of the work, and the benefit of the assignment to the department's goals and missions.

b. Assignment Approvals. The Director of Human Resources is responsible for receiving assignment proposals and approving the proposals. Assignment proposals will be reviewed and approved on a fixed, quarterly schedule. In determining whether to approve a department's proposal, the Director of Human Resources will consider the benefit of the assignment to the goals and missions of the Department making the proposal. The Director of Human Resources will maintain a list of all the various transitional duty assignments that are approved. The only transitional duty assignments available to employees are those on the approved list maintained by the Director of Human Resources.

c. Assignment Conditions. An employee assigned to transitional duty is placed in full pay status, but he or she is limited to working either thirty (30) hours a week maximum, or no more hours than he or she works in a week at the employee's regular position, whichever is less. An employee will use his or her accruals to reach forty (40) hours maximum for the work week consistent with Chapter 19 of the City Code of Ordinances. Employees shall not be assigned overtime hours during transitional duty assignments. Employees are not necessarily restricted to assignments available in his or her own department; he or she may request, or be offered, a transitional duty assignment in another department so long as the employee is qualified for the assignment.

6. Assignment Procedure

a. Request for Assignment. Eligible employees may apply for a transitional duty assignment by submitting a request for assignment to Human Resources. All requests must include a Return to Duty Report that is completed by the employee's health care provider. All Return to Duty Reports will include, at a minimum, the following: a return date upon which the employee is expected to be able to perform the essential functions of the employee's regular position, and the current medical restrictions and limitations of the employee.

Upon receipt of the request, Human Resources will work with the employee to identify a pre- approved transitional duty assignment that the employee is qualified for. Any assignment requested by the employee must be approved by the Director of Human Resources. In determining whether to approve the request, the Director of Human Resources will consult with the Director of the Department of the transitional duty assignment to determine whether the employee is qualified in consideration of the assignment's requirements and the medical limitations of the employee. Once approved, the employee and the Director of the Department of the transitional duty assignment will coordinate a time to begin the work.

b. Formal Offer of Assignment. In addition to employees requesting assignments, the City may make a formal offer of transitional duty assignment to eligible employees who are injured on the job. Based on the time-sensitive nature of a workers' compensation issue, the Risk Manager is responsible for identifying a transitional duty assignment, from the approved list maintained by Human Resources, that the employee is qualified for and making the formal offer to the employee. Risk Management may or may not permit input from the employee as to his or her preference of assignment as the circumstances provide. The Risk Manager will coordinate with the Director of the Department for the transitional duty assignment to determine when the employee will begin his or her work.

c. Assignment Reviews and Terminations. The Director of Human Resources and the Director of the Department for the transitional duty assignment may review assignments and the employee's work performance at any time. Employees shall cooperate with these reviews. The Director of Human Resources, or the Director of the Department where the transitional duty work is assigned, may remove an employee from the assignment at any time and for any reason. The transitional duty assignment will be considered terminated when any one of the following occurs: the employee is removed, the employee returns to his or her regular position or the employee is no longer eligible for the program.

d. Completion of Assignment. The transitional duty assignment is complete when either of the following occurs: the work is completed or the ninety (90) days expires. The employee shall not continue working after the assignment is completed.

e. Second Assignment Request. An employee may request a second transitional duty assignment upon termination or completion of the first assignment. The request and approval process for the second transitional

duty assignment shall be the same as the first assignment. The approval of a first transitional duty assignment in no way guarantees or establishes an employee's right to a second transitional duty assignment. In furtherance of the goals of this program, no employee shall be approved for more than two (2) transitional duty assignments in a rolling twelve (12) month period.

7. Not An Accommodation Request

The transitional duty program and this policy are intended for eligible employees with temporary medical conditions. It is independent of a reasonable accommodation request. Medical reports, Return to Duty Reports and evaluations for assignments provided to the City by the employee's physician shall not be deemed a request for accommodation. Any employee that would like to exercise his or her rights to an accommodation may fill out a form provided by the City to request a reasonable accommodation and begin the interactive process.

Section F SMALL POX VACCINATION

Small pox vaccinations administered by the City are voluntary. In the event an employee receives a small pox vaccination, though the City or another entity, reporting of the vaccination is mandatory to the City of Columbia/Boone County Health Department, Clinic Division. Once the Health Clinic is notified of the vaccination, the employee will receive the required training necessary to ensure proper care of the wound and to outline protective measures to be taken for the protection of others.

In the event the employee may become ill after receiving the vaccination, normal leave policies will apply (i.e. sick leave, vacation, etc.). Lost time and associated medical costs as a result of the vaccination are not eligible for worker's compensation coverage.

Section G BLOOD BORNE PATHOGEN EXPOSURE POLICY

Introduction

This document sets forth the policy for occupational blood borne pathogen exposure for employees of the City of Columbia. This policy is based on, but not limited to the recommendations established by the Centers for Disease Control and Prevention & the Occupational Safety and Health Administration's (OSHA) standard 1910.1030.

Plan Administration

Employee Wellness and Risk Management will jointly administer this policy. The Administrators are responsible for the implementation of the Bloodborne Pathogen Exposure Policy, and will maintain and review this policy at least annually, and whenever necessary, to include new or modified tasks and procedures to reflect new or revised employee positions with occupational exposure. **Risk Management** will be responsible for ensuring this policy complies with the Occupational Safety and Health Administration's Bloodborne Pathogen standard, 1910.1030.

It will be the responsibility of **City Departments** to provide and maintain all necessary personal protective equipment (PPE), engineering controls (e.g., sharps containers), labels, and red bags as required by regulation, and ensure that adequate supplies and PPE are available in the appropriate sizes for potentially exposed employees.

Plan Review and Update

This Policy will be reviewed and updated annually, and whenever new hazards are introduced in the workplace or conditions change that would result in a change in occupational exposure by employees. For example, the Policy will be amended when it is determined that additional job categories or tasks are likely to or may have occupational exposure to bloodborne pathogens.

Definition of Terms

Blood borne pathogen: Any disease or infectious agent that is transmitted by blood, certain body fluids, or other body fluids that are contaminated with blood.

Exposure: A blood contact as a result of percutaneous injury (e.g. a needle stick or cut with a sharp object), blood contact with mucous membrane or non-intact skin (e.g., when skin is chapped or abraded). Other body fluids that are potentially infectious include semen, vaginal fluid, CSF, synovial fluid, pleural fluid, peritoneal fluid, pericardial fluid, and amniotic fluid. (Feces, nasal secretions, saliva, sputum, sweat, tears, urine, vomitus & wastewater are not considered potentially infectious unless they contain visible blood.)

Intact skin: Exposed skin that IS NOT chapped, abraded or with dermatitis.

Hepatitis B: An infection of the liver caused by a virus transmitted in workplace situations by exposure to contaminated blood or body fluids.

Hepatitis C: An infection of the liver caused by a virus transmitted in workplace situations by exposure to contaminated blood.

HIV: The Human Immunodeficiency Virus, the virus that causes AIDS, is transmitted in workplace situations by exposure to contaminated blood or body fluids.

Occupational exposure: Any incident involving an employee exposed to potentially infectious body fluids while on the job.

Post-exposure prophylaxis: Treatment to decrease the risk of an infectious disease after exposure to HIV or Hepatitis B.

Universal Precautions: An infection control concept in which all human blood and human body fluids are treated as if to be infectious for HIV, Hepatitis B, Hepatitis C or other blood borne pathogens.

Risk of Occupational Transmission

The risk of contracting a blood borne pathogen through workplace duties is very low, but not zero.

Depending on the type of injury, the typical risk of HIV infection from a blood exposure is approximately between 1 in 333 and 1 in 1,000. Specifically, the risk after a percutaneous exposure (e.g., a needle stick) is estimated to be 0.3%. The risk after exposure to mucous membranes (e.g., eye, nose, or mouth) is estimated 0.09%. Although episodes of HIV transmission after contact with non-intact skin have been documented, the average risk for transmission by this route has not been precisely quantified. It is estimated to be less than the risk for mucous membrane exposures. There have been no case reports of anyone being infected from small amounts of blood on intact skin.

Hepatitis C virus is transmitted more efficiently through blood than HIV but less than Hepatitis B. The average incidence of anti-HCV seroconversion after accidental percutaneous exposure from a HCV-positive source is 1.8%, with one study indicating that transmission occurred only from hollow bore needles compared with other sharps. Transmission rarely occurs from mucous membrane exposures to blood, and no transmission in health-care professionals has been documented from intact or non-intact skin exposures to blood. The risk for transmission from exposure to fluids or tissues other than HCV-infected blood also has not been quantified but is expected to be low.

Hepatitis B virus is the most efficiently transmitted blood borne pathogen when compared to HIV and Hepatitis C. Given the rate of infectivity, Hepatitis B virus is the highest risk of occupational exposure with up to a 30% rate of transmission. The risk of Hepatitis B virus infection is primarily related to the degree of contact with blood in the workplace and also the status of Hepatitis B virus in the source

patient. Hepatitis B virus has been demonstrated to survive in dried blood at room temperature on environmental surfaces for at least 1 week. Pre-exposure Hepatitis B immunizations are offered and recommended to employees who are at risk of exposure to blood borne pathogens at no cost to the employee.

Universal Precautions

The City of Columbia has begun the practice of “Universal Precautions”. The City considers all human blood and bodily fluids are treated as though they are known to be infected with Hepatitis B, Hepatitis C, Virus (HBV), Human Immunodeficiency Virus (HIV) and other bloodborne pathogens. In circumstances where it is difficult or impossible to differentiate between body fluid types, it is assumed that all body fluids are potentially infectious.

Engineering and Work Practice Controls

Engineering controls are controls that isolate or remove bloodborne pathogen hazards from the workplace. Work practice controls reduce the likelihood of exposure by altering the manner in which a task is performed.

At the City of Columbia, continual efforts are made to create safer working conditions for employees so that accidents will not occur, and all aspects of the safety program constitute work practice controls. Additional controls take the form of PPE, hand washing and other controls that take place immediately during and after an accident on the job.

Employee Exposure Determination

Table 1 contains a list of all job categories where employees might have an occupational exposure to blood borne pathogens.

Table 1 - Occupational Exposure—Job Categories

Department	Division	Title
Police		
Police	Operations/Patrol	Police Officer
Police	Operations/Patrol	Police Sergeant
Police	Operations/Patrol	Community Service Aide
Police	Canine Unit	Police Officer
Police	Traffic	Police Officer
Police	Investigative	Police Officer
Police	Airport/ Terminal Areas	Airport Safety Officer

Fire		
Fire	Emergency Services	Firefighter I
Fire	Emergency Services	Firefighter II
Fire	Emergency Services	Fire Engineer
Fire	Emergency Services	Fire Lieutenant
Fire	Emergency Services	Fire Captain
Health		
Health	Community Health/ Community Disease Prevention and Control	Public Health Nurse
Health	Community Health/ Public Health Nursing Services	Public Health Nurse
Health	Community Health/ Public Health Nursing Services	Nurse Practitioner
Health	Community Health Promotion	Health Educator
Health	Community Health Promotion	Health Promotion Supervisor
Health	WIC & Community Nutrition	WIC Office Assistant
Health	WIC & Community Nutrition	Nutritionist
Health	WIC & Community Nutrition	Nutrition Supervisor
Parks & Recreation		
Parks & Recreation	Operations	Maintenance Technician
Parks & Recreation	Operations	Maintenance Specialist
Parks & Recreation	Operations	Maintenance Assistant
Parks & Recreation	Operations	Parks & Facilities Specialist
Parks & Recreation	Recreation Center/ Maintenance	Maintenance Technician
Parks & Recreation	Recreations Center/ Maintenance	Maintenance Assistant
Parks & Recreation	Ranger Program	Park Ranger
Parks & Recreation	Aquatics	Skilled Service Maintenance
Public Works		
Public Works	Columbia Transit	CDL Required
Public Works	Columbia Transit	Bus Driver
Public Works	Airport/ Terminal Areas	Maintenance Assistance
Utilities		

Utilities	Sewer/ Engineering	Assoc. Engineering Technician
Utilities	Sewer/ Engineering	Engineering Technician
Utilities	Sewer/ Engineering	Engineer
Utilities	Sewer/ Engineering	Para-professionals
Utilities	Sewer/ Engineering	Professionals
Utilities	Sewer/ Sludge MGT & GRNDS Maintenance	Skilled Maintenance
Utilities	Sewer/ Sludge MGT & GRNDS Maintenance	CDL Required
Utilities	Sewer/ Sludge MGT & GRNDS	CDL Operator
Utilities	Sewer/ Sludge MGT & GRNDS Maintenance	Public Works Supervisor II
Utilities	Sewer/ Sludge MGT & GRNDS Maintenance	Wastewater Operations Supervisor
Utilities	Sewer/ Field Operations	WWTP Operator
Utilities	Sewer/Field Operations	Skilled Service Maintenance
Utilities	Sewer/ Field Operations	Assoc. Utility Maintenance Mechanic
Utilities	Sewer/ Wastewater Treatment Operations	Instrument Technician
Utilities	Sewer/ Wastewater Treatment Operations	Sewer Utility Lead Operator
Utilities	Sewer/ Wastewater Treatment Operations	WWTP Operator
Utilities	Sewer/ Wastewater Treatment Maintenance	Custodian
Utilities	Sewer/ Wastewater Treatment Maintenance	Maintenance Assistant
Utilities	Sewer/ Wastewater Treatment Maintenance	Assoc. Utility Maintenance Mechanic

Utilities	Sewer/ Wastewater Treatment Maintenance	Sr. Utility Maintenance Mechanic
Utilities	Sewer/ Wastewater Treatment Lab	Code Educator Specialist
Utilities	Sewer/ Wastewater Treatment Lab	Laboratory Technician
Utilities	Sewer/ Wastewater Treatment Lab	Laboratory Analyst
Utilities	Sewer/ Wastewater Treatment Lab	Laboratory Supervisor
Utilities	Sewer/ Line Maintenance	Skilled Service Maintenance
Utilities	Sewer/ Line Maintenance	CDL Operator
Utilities	Sewer/ Line Maintenance	CCTV Technician
Utilities	Sewer/ Line Maintenance	Sewer Maintenance Supervisor
Utilities	Sewer/ Line Maintenance	Sewer Maintenance Superintendent
Utilities	Sewer/ Line Maintenance	Sewer Utility Lead Operator
Utilities	Storm Water Utility/ Field Operation	Skilled Service Maintenance
Utilities	Storm Water Utility/ Field Operation	CDL Required
Utilities	Storm Water Utility/ Field Operation	CDL Operator
Utilities	Storm Water Utility/ Field Operation	Public Works Supervisor II
Utilities	Refuse/ Administration	Solid Waste Collections Superintendent
Utilities	Refuse/ Commercial	CDL Required
Utilities	Refuse/ Commercial	Refuse Collector
Utilities	Refuse/ Commercial	Sr.-Refuse Collector
Utilities	Refuse/ Commercial	Public Works Supervisor II

Utilities	Refuse/ Commercial	Public Works Supervisor III
Utilities	Refuse/ Container Maintenance	Skilled Service Maintenance
Utilities	Refuse/ Container Maintenance	Refuse Collector
Utilities	Refuse/ Container Maintenance	Sr. Refuse Collector
Utilizes	Refuse/ Container Maintenance	Public Works Supervisor I
Utilities	Refuse/ Roll-Off Service	Sr. Refuse Collector
Utilities	Refuse/ Residential	Skilled Service Maintenance
Utilities	Refuse/ Residential	CDL Required
Utilities	Refuse/ Residential	Refuse Collector
Utilities	Refuse/ Residential	Sr. Refuse Collector
Utilities	Refuse/ Residential	Public Works Supervisor II
Utilities	Refuse/ Landfill	Skilled Craft Workers
Utilities	Refuse/ Landfill	Skilled Service Maintenance
Utilities	Refuse/ Landfill	Landfill Superintendent
Utilities	Refuse/ Landfill	CDL Operator
Utilities	Refuse/ Landfill	Public Supervisor II
Utilities	Refuse/ Landfill	Public Works Supervisor III
Utilities	Refuse/ Landfill	Bioreactor Specialist
Utilities	Refuse/ Composting	Skilled Service Maintenance
Utilities	Refuse/ Composting	CDL Operator
Utilities	Refuse/ University	CDL Required
Utilities	Refuse/ University	Refuse Collector
Utilities	Refuse/ Recycling	Skilled Service Maintenance
Utilities	Refuse/ Recycling	CDL Required
Utilities	Refuse/ Recycling	Refuse Collector
Utilities	Refuse/ Recycling	Sr. Refuse Collector
Utilities	Refuse/ Recycling	Public Works Supervisor I
Utilities	Refuse/ White Goods	CDL Required
Utilities	Refuse/ Commercial Recycling	CDL Required
Utilities	Refuse/ Commercial Recycling	Sr. Refuse Collector
Utilities	Refuse/ Material Recovery	Skilled Maintenance Worker

	Facility	
Utilities	Refuse/ Material Recovery Facility	Material Handler
Utilities	Refuse/ Material Recovery Facility	Refuse Collector
Utilities	Refuse/ Material Recovery Facility	Equipment Operator I - 773
Utilities	Refuse/ Material Recovery Facility	Public Works Supervisor I
Utilities	Refuse/ Material Recovery Facility	Public Works Supervisor II
Utilities	Refuse/ Material Recovery Facility	Public Works Supervisor III
Utilities	Public Buildings/ Building Maintenance	Building Maintenance Mechanic
Utilities	Public Buildings/ Building Maintenance	Sr. Building Maintenance Mechanic
Utilities	Public Buildings/ Custodial Services	Skilled Service Maintenance
Utilities	Public Buildings/ Custodial Services	Custodian -
Utilities	Public Buildings/ Custodial Services	Public Works Supervisor I

- If an employee believes that he or she may be occupationally exposed to blood borne pathogens, the employee should contact **Risk Management (874-6370, 874-7669, 874-7377, riskmanagement@como.gov)** or seek medical attention at a City approved medical facility. See Appendix, Section C & “Management of Exposures” section of this policy on page 8.

Declination of the vaccine

If an employee declines the vaccination, the employee must sign a declination form. See Appendix 1 for a copy of the form. Employees who decline may request and obtain the vaccination at a later date at no cost. Signed declination forms are kept at **Employee Wellness**. The declination form can be found in **Appendix, Section A**.

Personal Protective Equipment

Employees will be provided with the appropriate personal protective equipment at no cost.

- Protective equipment will be removed before leaving the work area or after a garment becomes contaminated.
- Contaminated protective equipment will be placed in biohazard containers.
- Gloves will be replaced if torn, cracked, punctured or contaminated.
- Utility gloves will be decontaminated with an approved disinfectant or a “10 parts water to 1 part chlorine bleach” solution prior to reuse if they are not torn or cracked. These gloves should also be laundered when appropriate.
- Appropriate face and eye protection will be worn when splashes, sprays, splatters or droplets of blood or other potentially infectious materials pose a hazard to the eye, nose or mouth.
- Appropriate protective body covering (disposable gown or coveralls) will be worn when occupational exposure is anticipated.
- Any questions regarding the selection of the appropriate personal protective equipment can be directed to **Risk Management (874-6370, 874-7669, or riskmanagement@como.gov)**.

Housekeeping

Cleaning and Decontaminating All Infected Surfaces:

- Decontamination of surfaces is important to eliminate the potential spread of blood-borne pathogens. All work surfaces, as well as any equipment that has been contaminated with potential infectious materials, must be cleaned with an appropriate disinfectant, such as “10 parts water to 1 part chlorine bleach” solution.
- Chlorine bleach and water solutions should be mixed as needed, since they lose their effectiveness after 24 hours.
- Personal protective equipment must be worn during cleanup operations to prevent contact with infectious substances.
- If an employee must clean up contaminated broken glass, tongs, forceps or a brush and dust pan must be used to pick it up. Employees should never use their hands, even when wearing gloves.
- If an employee must pick up a needle/syringe, they should not recap, bend or break off the needle. The needle/syringe should be carefully handled and placed in a bio-hazardous waste sharps container immediately.
- All items contaminated with blood or body fluids should be placed in sealable, bio-hazard labeled containers or plastic bags. Any container in which bio-hazardous contaminated material is disposed should be labeled with the biohazard symbol like the example at right.



- If an employee is unable to locate a bio-hazardous container or plastic bag in their department, contact **Risk Management at 874-6370, 874-7669 or riskmanagement@como.gov** for assistance.

Intact Skin Exposure

- Exposure of intact skin to potentially infectious material is not considered an exposure of any significant risk and is the exposed person does not need a medical evaluation. Thoroughly clean and wash exposed intact skin. If there is any question as to whether the employee's skin is intact or non-intact, a baseline medical evaluation should be completed through the City's approved medical provider, Boone Convenient Clinic or Boone Hospital Emergency Room as soon as possible. **See Appendix, Section C & the "Management of Exposures" section below for details.**

Management of Exposures

If a city employee has a:

- Needle stick exposure;
- Mucous membrane exposure (such as a splash to the eyes, mouth or nose);
- Non-intact skin or skin that is compromised (such as cuts, chapped or abraded skin); then

AS SOON AS POSSIBLE:

- with open wounds, chapped or abraded skin, the site should be washed with soap and water and then irrigated with water or preferably a sterile saline;
- with mucous membranes, the area should be flushed with water;
- with eyes, the affected eye should be irrigated with water, saline, or sterile eye irrigants, remove contact lens (if applicable) and do not replace until a physician is consulted;
- remove any body substance soiled clothing as soon as feasible and replace with clean uniform/clothing.

There is no evidence that either squeezing the injury site to produce blood flowing out of the wound or using antiseptics for wound care decreases the risk of transmission. The application of caustic agents (e.g., bleach) to the wound should not be attempted.

Testing of needles or other sharp instruments implicated in an exposure, regardless of whether the source is known or unknown, is not recommended. You should not take these sharp instruments to the City approved medical provider for testing. The reliability and interpretation of findings in such circumstances are unknown, and testing might be hazardous to persons handling the sharp instrument. Discard the sharp instrument in an appropriate sharps container and report to the medical provider details of your injury.

Regardless of the time or day of the week, any employee who experiences a blood borne pathogen exposure needs to receive a medical evaluation as soon as possible. During regular business hours, Monday –Friday, 8:00 AM to 5 PM, this medical evaluation should be performed at the City’s approved medical provider. Please contact Risk Management for appointment. See Risk Management contact information below. For injuries after regular business hours, City employees should be seen at Boone Convenient Care between 5:00 PM - 7:00 PM. Monday – Friday and 9:00 to 5:00 PM. Saturday and Sunday or the Boone Hospital Emergency Room for all other times.

- The employee’s supervisor should be notified and a report of injury must be filled out as soon as possible after an exposure without delaying medical care. See following link: [Report of Employee Injury](#)
- **Risk Management (874-6370, 874-7669, or riskmanagement@como.gov)** should also be contacted. Risk Management should be contacted directly, should the employee’s supervisor not be available.

The source person will be informed of the incident. After obtaining the source person’s consent, he/she should be taken to a local emergency room and tested for HIV antibody, Hepatitis C antibody, and Hepatitis B Antigen as soon as possible. This will help determine what treatment and further evaluation the exposed employee may need. The results of the source patient testing shall be maintained by the treating facility, City approved Physician and/or Risk Management. The results of source patient testing are considered confidential information and shall only be discussed with the exposed employee, the treating facility, City approved Physician, Employee Wellness and/or Risk Management.

If the source is found to be positive for Hepatitis B, Hepatitis C or HIV, the source patient and/or his/her doctor will be questioned, if possible, regarding their previous knowledge of the disease, stage of infection that they are in, current and previous antiretroviral therapy and any other pertinent medical information.

Employee and source patient testing should be done, if at all possible, within 2 hours of the exposure.

Post-Exposure Evaluation for the Employee

Laboratory tests and time intervals regarding testing will be determined by the City-appointed Physician.

The City Employee will be:

- counseled regarding risk of infection by City-appointed Physician in the first 48 - 72 hours.

- evaluated clinically and serologically for evidence of HIV, Hepatitis B and Hepatitis C, and given Hepatitis B vaccine as soon as possible after the exposure. If the employee has been previously vaccinated against Hepatitis B, he/she will be evaluated to determine if immunity is present (if not previously documented).
- advised to report and seek medical evaluation for any acute febrile illness that occurs within 6 months after exposure to HIV. This illness, called an acute retroviral syndrome or a seroconversion illness, is characterized by fever, rash, sore throat, muscle pain, nausea, night sweats and swollen lymph glands. This illness can be indicative of an HIV infection.

Post Exposure Prophylaxis (PEP)

When an employee has had an occupational exposure to blood or other potentially infectious body fluid, the healthcare provider will evaluate the situation to determine if a post-exposure prophylaxis (PEP) using current antiretroviral drug is indicated or should be offered. Timely post exposure management is critical.

There are many factors which the doctor may assess to help an employee decide if he/she should consider PEP. These include but are not limited to: 1) assessment of the type of injury, 2) the source patient is confirmed with a bloodborne pathogen disease, 3) the amount of blood involved in the exposure, and 4) potential for adverse reactions secondary to medications. These factors should be discussed with any employee reporting an exposure.

Because occupational exposures lead to infection so very rarely, the benefits of drug therapy have to be weighed carefully against issues such as side effects of the antiretroviral drugs. Drug therapy for exposures with very low risk of infection may not be warranted given the often severe side effects these drugs can cause. In addition, the long term side effects of this kind of drug therapy are not known. Treatment decisions will be determined by the City's healthcare provider.

For more information on Post-Exposure Prophylaxis see [CDC](#) guidelines.

Employee Training

All employees who have occupational exposure to bloodborne pathogens will receive **initial and annual training**.

All employees who have occupational exposure to bloodborne pathogens will receive training on the epidemiology, symptoms, and transmission of bloodborne pathogen diseases. In addition, the training program covers, at a minimum, the following elements:

- An accessible copy of the OSHA bloodborne pathogen standard
- An explanation of our Policy and how to obtain a copy

- An explanation of methods to recognize tasks and other activities that may involve exposure to blood and other potentially infectious material including what constitutes an exposure incident
- An explanation of the use and limitations of engineering controls, work practices, and PPE
- An explanation of the types, uses, location, removal, handling, decontamination, and disposal of PPE
- An explanation of the basis for PPE selection
- Information on the hepatitis B vaccine, including information on its efficacy, safety, method of administration, the benefits of being vaccinated, and that the vaccine will be offered free of charge
- Information on the appropriate actions to take and persons to contact in an emergency involving blood or other potentially infectious material
- An explanation of the procedure to follow if an exposure incident occurs, including the method of reporting the incident and the medical follow-up that will be made available
- Information on the post-exposure evaluation and follow-up that the employer is required to provide for the employee following an exposure incident
- An explanation of the signs and labels and/or color coding required by the standard and used at this facility
- An opportunity for interactive questions and answers with the person conducting the training session

Training materials and employee training records for City employees are available at **Employee Wellness and Risk Management**.

CONCLUSION:

As required, the City of Columbia has articulated this policy in an effort to provide its employees with the most current recommendations regarding potential blood borne pathogen exposure in workplace situations in the event that such an incident were to happen. While such incidents occur rarely and disease transmission is even more uncommon, the City of Columbia is committed to offering its employees the most up-to-date information regarding occupational exposure protocol.

Appendix --- Bloodborne Pathogen Exposure Policy Attachments

Section A – Declination Form

Section B – City of Columbia Bloodborne Pathogen Exposure Policy
Addendum for the Columbia Sewer Utility Sanitary Sewer Line Maintenance
Division

Section C – Work Related Injury Procedures

Section A – Declination Form

Hepatitis B Vaccination

I understand that due to possible occupational exposure to blood or other potentially infectious materials I may be at risk of acquiring the Hepatitis B Virus (HBV) infection. I understand this is a serious disease that results in chronic infection and in some individuals, death. If infected, I may expose others to the infection. I also understand that if not appropriately vaccinated, I will continue to be at risk of acquiring Hepatitis B. I have been given the opportunity to ask questions about the vaccination series and my questions have been answered.

Please check one of the following if you wish to decline the vaccination:

Non-Vaccinated and Declining:

- ☐ I have been given the opportunity to be vaccinated with Hepatitis B Vaccine, at no charge to myself. However, I decline the Hepatitis B vaccine at this time. I understand that while working at the City of Columbia, if I change my mind and wish to be vaccinated with the Hepatitis B vaccine, I can receive the vaccine series at no charge to me.

Vaccinated and Declining:

- ☐ I have completed the Hepatitis B series. I, therefore, decline the Hepatitis B vaccine at this time.

Please check the following if you wish to receive the vaccine:

- ☐ I wish to receive the Hepatitis B vaccine. I understand there will be no charge to me if I receive the vaccine series while working at the City of Columbia. I also understand that receiving the vaccine is voluntary and I may change my mind and decline the vaccine at any time.

Employee Signature _____ Date _____

Print Name _____ Email _____

Department _____ Supervisor _____

Witness _____ Date _____

Section B

CITY OF COLUMBIA BLOOD BORNE PATHOGEN POLICY

ADDENDUM FOR COLUMBIA SEWER UTILITY SANITARY SEWER LINE MAINTENANCE DIVISION

The following addendum is based upon the limited circumstances where Sanitary Sewer Maintenance employees could be exposed to wastewater that is visibly contaminated with blood. This exposure determination is made without regard to the use of personal protective equipment; i.e., employees are considered to be exposed even if they are wearing personal protective equipment.

1. **COMPLIANCE**

All Sewer Maintenance employees shall comply with the methods and restrictions described in this addendum.

2. **PRECAUTIONS**

The following precautions shall be observed in order to minimize or prevent contact with wastewater that is visibly contaminated with blood. All wastewater that is visibly contaminated with blood shall be considered infectious regardless of the perceived status of the source.

- A. There shall be no maintenance work performed when wastewater is visibly contaminated with blood.
- B. Any maintenance work that is in progress when the wastewater becomes visibly contaminated with blood shall cease immediately until the wastewater is no longer visibly contaminated with blood.
- C. Hand washing facilities shall be readily available at all sewer maintenance work sites where there is a reasonable likelihood of exposure to wastewater. Hand-washing facilities shall be provided as antiseptic cleanser in conjunction with a clean cloth/paper towels or antiseptic towelettes. Hand-washing facilities shall be maintained by the crew leader or supervisor.
- D. After being exposed to wastewater employees shall wash all exposed skin prior to eating, drinking, applying cosmetics or lip balm, smoking, or handling contact lenses.
- E. All maintenance procedures shall be conducted in a manner which will minimize splashing, spraying and splattering.

- F. All clothing, tools, equipment or materials that are exposed to wastewater that is visibly contaminated with blood shall be properly handled and decontaminated with a solution of 10% bleach and 90% water or properly disposed of.

3. EMPLOYEE EXPOSURE

If an employee incurs direct exposure to their skin of wastewater that is visibly contaminated with blood the employee shall:

- A. Wash, or flush with water as appropriate, all exposed areas immediately following contact.
- B. Report the incident to the Sewer Maintenance Superintendent.
- C. Remove, as soon as feasible but prior to leaving work, all garments penetrated by blood. The employer shall properly clean all such garments.
- D. Complete an Employee Injury Report.

4. POST-EXPOSURE EVALUATION and FOLLOW-UP

If an employee incurs direct exposure to wastewater that is visibly contaminated with blood the employee shall:

- A. Be offered a post-exposure evaluation and follow-up through the City's Workers' Compensation provider and/or the City Health Department.
- B. Be referred to the pertinent City of Columbia Blood Borne Pathogen Policy sections for further information and instructions.

Section C - WORK RELATED INJURY PROCEDURES

1. REQUEST AN AMBULANCE (911) IF INJURY IS LIFE-THREATENING!

If medical attention is necessary, employees should be directed as follows: From 8:00 a.m. to 8:00 p.m. seven days a week, unless otherwise notified, refer employee to Mizzou Urgent Care at 3916 S, Providence Road. From 8:00 p.m. to 8:00 a.m. refer employees to University Hospital Emergency Department, 1 Hospital Drive.

In either case, notify Risk Management (874-6370, 874-7377, or 874-7669) as soon as possible of the injury.

For severe injuries, employee should be transported to University Hospital Emergency Department.

2. NOTIFY THE APPROPRIATE SUPERVISOR(S).

3. Injured employee, with supervisor, should complete the ONLINE EMPLOYEE INJURY REPORT and submits to Risk Management as soon as possible, no more than 24 hours after occurrence.
4. Employees should NOT use their UHC or other health insurance card for on-the-job injury prescriptions. Prescription cards will be sent to employees or they can obtain one directly from Risk Management. Employees may have prescriptions filled at their choice of pharmacies and be reimbursed by the City of prescriptions may be filled at participating pharmacies and charged directly to the City.
5. The City of Columbia will pay for all medical expenses on approved workers' compensation claims. **Any care not approved and authorized by Risk Management or the City's Claims Administrator is at the employee's expense.**
6. If additional medical care is needed for an injury, employees must notify their supervisor. All appointments **must** be scheduled through the Risk Management Division or the City's claims administrator. Employees obtaining medical treatment **without authorization** will be responsible for payment of the medical services.

NOTE: Reports of injury must be completed on all work-related injuries within 24 hours even if medical attention is not required at the time of the injury. If you have any questions, contact your supervisor or Risk Management.

Section H SAFETY COMMITTEE

The City Manager shall as needed appoint interested, knowledgeable, representative employees to function on a Safety Committee for activities such as (or any variation thereof):

1. Reviewing accident reports, investigating hazardous conditions, and inspecting facilities;
2. Assisting in providing information to Department Heads concerning safety/health problems in specific operations;
3. Recommend safety citations concerning specific safety problems, and aiding in enforcement of safety practices;
4. Assisting in providing employee training in areas of safety procedures and practices;
5. Reviewing and preparing recommendations concerning statistical summaries and progress reports regarding effectiveness of the safety program;
6. Performing such other duties as needed to promote and implement the safety program.

ARTICLE V. OFFICIAL TRAVEL EXPENSES: PROCEDURE FOR TRAVEL ADVANCES, EXPENSE REIMBURSEMENT POLICY

Section A GENERAL

1. City employees shall be reimbursed for authorized travel and related expenses while in travel status.

Travel is defined as any time an employee leaves Boone County on City business. Exceptions will be directed to the Finance Director by formal request for approval. Exceptions include, but are not limited to, employees whose job requires them to routinely travel outside of Boone County.

2. All persons authorized to travel at City expense are expected to exercise careful judgment to keep travel expenses at a minimum. Travel expenses shall not be extravagant, or wasteful. All persons traveling will be held to a high level of accountability for all expenditures.

3. Those persons authorized to travel shall be reimbursed for transportation fare to and from the travel destination, actual room cost for overnight lodging, taxi/ride-share fares, incidentals, and other travel-related expenses upon proper presentation of appropriate itemized receipts on an Employee Expense Claim and/or, where appropriate, by an affidavit with justification signed by the person traveling. Same day trips with the overall total cost less than \$50 per individual can be reimbursed through Petty Cash by submitting Form #101 in accordance with the Finance

Department's Petty Cash policy. All trips exceeding \$50 in total costs shall be reimbursed through an Employee Expense Claim.

4. Those persons choosing to use ride-share services, such as Uber and Lyft, should be aware that the service may not carry sufficient insurance and that verified background checks for drivers may be lacking.

5. An itemized Employee Expense Claim, with proper supporting documentation attached of all travel expenses incurred, is required in order to be reimbursed according to this policy. This documentation is also required by the Internal Revenue Service of all travel related expenses. Without this documentation, payments made to (and on behalf of) a person traveling will be considered taxable income to that person by the Internal Revenue Service.

Section B AUTHORIZATION TO TRAVEL

1. Prior authorization by the Finance Director and/or City Manager is required for all travel that has a total cost of \$50 or more. All employees traveling at City expense must complete and submit to the Finance Department Accounts Payable Accounting Assistant an Estimated Employee Expense Claim approved by the Department Director, Finance Director and/or City Manager.

2. The Accounts Payable Accounting Assistant shall review each request for sufficient information and documentation. If more than one person will be incurring expenses, an individual claim must be submitted for each person. All subsequent requests for payment for receipts related to the particular trip (i.e., airfare, conference fees, and trip reimbursements) must have the claim number included. If receipts are submitted without the inclusion of the appropriate claim number, account numbers and required documentation, they will be rejected to the travel coordinator/submitter for correction. All Estimated Employee Expense Claims must have a detailed itinerary from the conference attached. If trying to register early to take advantage of early bird discounts, a detailed itinerary must still be loaded to the claim before submitted for approval.

3. If travel occurs without prior Finance Director and/or City Manager approval, the Employee Expense Claim will not be processed for payment without specific review and approval of the expenditures by the Finance Director and/or City Manager.

4. All expenses not prior approved in the Estimated Employee Expense Claim may be denied for reimbursement or the employee may be held responsible for reimbursing the City.

5. The Estimated Employee Expense Claim shall accurately identify the anticipated costs of the trip. If the actual cost of the trip differs from the approved estimated amount by more than \$200 or ten percent (10%), whichever is greater, written justification for the difference must be submitted with the Actual Employee Expense claim and approved by the Finance Director and/or City Manager.

6. With prior Finance Director or City Manager approval, rental car expenses may be allowed at out-of-state conference or destination sites. The Estimated Employee Expense Claim must include

written justification for renting a car, the rental rate per day, and the total rental car expense expected to be incurred. Rental car expense is NOT to include insurance coverage and prepaid fuel fees. Any vehicle rental larger than economy or compact must receive prior approval from the Finance Director and/or City Manager. No luxury or sports vehicles may be rented for business use. This includes obtaining these vehicles by free upgrades, use of points, or preferred customer bonuses.

7. It is encouraged to fly out of COU for business related travel, and if using COU, no transportation comparatives are required. If an employee is not flying from COU, the Trip Calculator must be utilized to compare the total transportation costs (airfare ticket, ground transportation to and from, parking, etc.) when considering another method of travel. If a change to transportation is made after the Employee Expense Claim has been approved, the employee must have a memo signed by their Department Director explaining the reason for the change. This memo must be approved by the Finance Director and/or City Manager prior to changing the travel arrangements in order to be considered for reimbursement at the end of the trip.

Section C USE OF PRIVATE VEHICLE

Use of private vehicle for City travel away from the City must have the Department Director's approval. Reimbursement for use of a private vehicle shall be at the rate in effect under Section 19-113(a) in the Code of Ordinances of the City of Columbia, Missouri at the time of travel. The City shall not reimburse an employee for any costs related to the use of a private vehicle (mileage, extra lodging, extra meals, etc.) which exceed the costs that would have been incurred by using common carrier (coach fare, taxis, etc.). Per Section 19-113(d) in the Code of Ordinances of the City of Columbia, if an unclassified employee is receiving a monthly car allowance and leaves Boone County on City business, the City shall reimburse the employee at the current mileage reimbursement rate established by the Internal Revenue Service, for trips with total mileage of more than fifty (50) miles. Per the Mileage Reimbursement Policy, the City is to reimburse the employee mileage based on the distance traveled from work to another site to perform City business. However, when leaving from home to go directly to another site, the City will reimburse from home if that distance is less than what it would be if the employee were leaving from their normal place of work.

Section D VACATION COMBINED WITH OFFICIAL TRAVEL

Employees wishing to combine a vacation with a City business trip must have their Department Director's prior approval or, where appropriate, the City Manager's prior approval. All City related expenditures will be reimbursed upon return of trip. Exceptions: Registration and lodging shall be paid with City p-card upon approval of the Employee Expense Claim. Lodging will only be paid with a p-card at the conference/convention location during dates of meetings related to the conference/convention.

Section E ACCIDENTS

In the event a person traveling on City business becomes involved in an accident, the City Finance

Director, or Risk Management Office in the Department of Finance, should be notified as soon as possible.

Section F EXPENSES ALLOWED

1. Lodging: Reasonable and necessary amounts are allowed for lodging expenses.

When two or more staff shares the same room, the total claimed for reimbursement must not exceed the total paid for the room.

An itemized statement, reflecting daily rates, taxes and fees, furnished by the hotel or motel is required for all lodging expenses and must be provided to substantiate p-card transactions and Employee Expense Claims.

P-cards can be used in advance for lodging reservations, but should not be charged until the day of check-in. If for some reason the Hotel/Motel requires full payment upon registration, a detailed memo must be provided to explain the reason for the early payment.

Accommodations can include traditional hotels, motels or hostels. Lease of short-term lodging services such as Airbnb or VRBO, are not acceptable due to potential insurance liability.

2. Airfare ticket insurance is encouraged, although it is the responsibility of the employee and/or travel coordinator to determine what the insurance will protect in the event the ticket is not used to determine if it is in the best interest of the City to purchase.

3. Meals: An employee must be traveling on City business requiring an overnight stay (which must be documented) to be eligible for meal reimbursement. (This means the City cannot reimburse lunch expenses when traveling to and returning from a business meeting on the same day, regardless of length of the workday. This is an Internal Revenue Service requirement.)

An employee will be reimbursed for his/her eligible meal expense at the maximum federal per diem rate for that location found at www.gsa.gov/perdiem. The individual rates for breakfast, lunch, dinner and incidentals shall be used to calculate the per diems for the City business travel, do not use the "First & Last Day of Travel". If your location is not listed, the standard rate will apply. Amount expended in excess of the federal per diem rates will not be reimbursed. Receipts are not required for per diem meal reimbursements for employees. The per diem meal amount includes taxes and tips. Taxes and tips for meals may not be separately reimbursed. Federal per diem rates on the GSA website is used as a guideline, the City is not bound by Federal travel regulations on this site.

Incidentals are defined as tips for drivers, fees, tips for porters, baggage carriers and hotel staff.

Per diem eligibility for breakfast shall be determined upon a departure time from Columbia, MO before 7am. Upon return, a lunch per diem shall be granted if the arrival time back to Columbia, MO is after 2 pm, and a dinner per diem shall be granted if the arrival time back to Columbia, MO is after 7 pm.

Exceptions: If flying for City business travel, you may add a two (2) hour grace period to your departure time to allow for check in and boarding prior to the departure of the flight to determine breakfast per diem eligibility (ex. flight departure at COU is 8 am, time needed to be at the airport is 6am, so the breakfast per diem can be included in the claim).

When an employee is purchasing a meal for others on behalf of the City, the request for reimbursement must identify the individual(s) and reason for the expense. These meals are subject to the same maximums as employees' meals and itemized receipts must be attached to the reimbursement request.

If meals are provided as part of the event you are attending, these meals will not be reimbursed. In addition, if breakfast is provided by the hotel at which you are staying (full or continental) it will not be reimbursed. Meals included in a conference registration fee are also not reimbursable.

4. Miscellaneous: Reasonable miscellaneous expenses for official business such as taxi, parking, telephone, etc., will also be reimbursed. Miscellaneous expenses must be identified and documented. Tips for drivers are considered to be part of the federal per diem amount for incidental expenses and will not be reimbursed separately.

Section G EXPENSES NOT ALLOWED

1. Personal expenditures: Personal expenditures unrelated to the business nature of the trip will not be reimbursed. Personal expenses, such as personal insurance, prepaid fuel fee for car rental, car rental upgrades, optional airline seating fees, alcoholic beverages, laundry and cleaning (see exception), valet service, entertainment, extra meals, side trips, etc., are not allowed. Exceptions: Cleaning and laundry service will be allowed when the employee is attending a school, seminar, etc., and must be away from home in excess of five (5) consecutive working days.

Costs incurred by or for a spouse or other non-employee accompanying a person authorized to travel will not be reimbursed unless such a person is required as a personal care attendant whose services are necessary to permit such person with a disability to travel and attend meetings and/or classes. Expenses paid or reimbursed by a third party shall not be reimbursed by the City.

2. Lease or short-term lodging services, such as Airbnb or VRBO, are not acceptable due to potential insurance liability.

Section H CASH ADVANCE

1. A cash advance for a trip must be submitted on the Estimated Employee Expense Claim at least two (2) weeks before the payroll date the cash advance is requested for. Upon approval, the claim will be converted for issuance of a cash advance through the regular Payroll process.

2. No special check runs will be processed for cash advances.

Section I TRAVEL REIMBURSEMENT OR REPAYMENT OF ADVANCE TO CITY

1. In order to receive reimbursement for travel-related expenses, an employee must complete and submit an Actual Employee Expense Claim to the Finance Department with appropriate itemized receipts attached. Where the employee received a cash advance, it must be so noted on the claim. All Actual Employee Expense Claims must be approved by the Department Director, Finance Director, or City Manager where appropriate, before the Finance Department will authorize processing for payment.

2. An Actual Employee Expense Claim should be approved and reimbursed/closed within twenty (20) days after returning from a trip, whether it is for an amount due or for payment of the unused balance of a cash advance due the City. Where a cash advance was issued, it must be so noted on the claim.

When a cash advance remains unpaid longer than ninety (90) days after returning from a trip, or upon termination of an employee, the Director of Finance may withhold up to the entire amount of the advance from the employee's paycheck, provided final pay does not fall below the minimum wage rate for hours worked. In the case of a non-employee, the advance becomes due for collection to the City.

Section J CANCELLATIONS

In the event a conference or trip is cancelled, the employee and/or travel coordinator is responsible for contacting all vendors that have been paid to obtain a refund, if available. Example: Registration, lodging, airfare, etc.

Section K NON CITY EMPLOYEE TRAVEL

1. Boards and Commissions members traveling on City business for events or conferences are to be held to the same travel policies and guidelines as City employees. Payment for reimbursement of City travel related expenditures must be made on Form #65 and accompanied with a Travel Expense Voucher, and itemized receipts.

2. Final candidates brought to Columbia, MO for interviews shall be reimbursed at the department's budgetary discretion. Candidates are not held to City employee travel policies or guidelines, but such policies and guidelines should be considered when arranging accommodations or approving reimbursements for the candidates. Payment for reimbursement of travel related expenditures must be made on Form #65 and accompanied with itemized receipts.

ARTICLE VI. UNDERCOVER AND SIMILAR SPECIAL ASSIGNMENTS

Employees assigned to undercover work which causes the individual to mock full or part-time paid employment shall make arrangements to reimburse the City for any earnings in excess of earnings provided by the City in their regular capacity.

ARTICLE VII. CLASSIFICATION AND COMPENSATION

Section A PURPOSE OF THE PAY PLAN

The overall purpose of the City's Pay Plan is to provide a means to assist in recruiting, retaining and rewarding employees. It seeks to establish salary grades that are competitive with the labor markets in which the City recruits talented employees and reflects the value of positions to the City, as determined by a job review which takes into account the duties and level of responsibility of each job.

Objectives of the system are as follows:

1. To ensure a pay philosophy that is reflective of the values and goals of the City.
The City's compensation philosophy is to provide City employees with base salaries and benefits which are externally competitive and internally equitable, while recognizing individual performance. The City identifies with, and competes for talent among, diverse organizations in both the public and private sector with the State of Missouri and in some cases, across the US. Given the desire to provide fair and reasonable compensation and also ensure the prudent use of taxpayer funds, the City targets compensation and benefits levels at the median of the competitive labor market.
2. To ensure the City's financial resources are used in the most effective and efficient manner.
3. To provide a rational basis for making pay decisions, eliminating arbitrary salary assignments and thereby establishing internal fairness.
4. To maintain salary ranges that are competitive with labor markets from which employees are recruited.
5. To establish job titles and job descriptions that are consistently used throughout the City.
6. To clarify relationships among positions in order to avoid overlaps and gaps in responsibilities.
7. To clarify the knowledge, skills and abilities ("KSAs") required to competently perform the position and aid in the development of career paths.
8. To assist supervisors in evaluating and rewarding employee job performance

The Human Resources Department (“HR”) is responsible for the administration and maintenance of the compensation system. These responsibilities include assignment of proposed new jobs to salary grades, reassignment of existing jobs to salary grades, preparation and maintenance of job descriptions, review of and sign off on proposed pay adjustments and maintenance and updating of pay structures.

Section B REQUESTED REVIEW OF A JOB’S SALARY GRADE ASSIGNMENT

A job reassignment occurs when a job is moved to a different grade because the essential job functions have significantly changed. Department heads and employees may request a review of the evaluation of their job during a specific time frame each year. Specific requests to HR must be approved by the employee’s supervisor or department head and routed through administrative channels.

Reassignment of an Existing Position Procedures

1. Except in unusual circumstances, requests for reassessment may be made annually in concert with budget preparation. Each year, as part of the budget process, HR will notify departments of the period within which any position reassessments must be considered. A review of a position’s classification is warranted when there has been a material significant and permanent change in job duties. The direct supervisor or department head is responsible for recognizing such job changes. Additionally, an employee who believes his or her job is not properly evaluated may request of his or her supervisor a reassessment.
2. When the supervisor or department head concludes that a material, significant, and permanent change in job duties has occurred, a job analysis questionnaire (“JAQ”) should be completed by the employee, reviewed by the supervisor and sent through administrative channels to HR.
3. Upon receipt of a newly completed JAQ, an assessment of the duties and responsibilities of the position will be made using a review of relative internal within (in order to ensure appropriate “fit” within the organizational structure) and a review of published salary surveys. This process may include an interview with the employee and/or supervisor. Following this evaluation, HR will determine if the job should remain as presently assigned or if a new assignment is appropriate. The supervisor is notified in writing of the results.
4. Actions to be taken as a result of the evaluation of a job:
 - a. If it is determined that a job is still within the same salary grade, no salary adjustment will be made.
 - b. In the instance where an employee’s job is reassigned to a lower salary grade, the employee’s salary will not be changed, however, the reassigned

- grade maximum will define the limit of future pay increases.
- c. In the instance where an employee's job is reassigned to a higher salary grade, the employee's pay shall be adjusted five percent (5%) or to the minimum of the new salary grade, whichever is greater.

Section C ASSIGNMENT OF A NEW JOB TO A SALARY GRADE

HR is responsible for the assessment of proposed new positions and subsequent assignment to a salary grade. All jobs will be assessed according to the City's pay plan based on published salary data and internal comparable value. This plan establishes a consistent basis for measuring and ranking the relative market worth of each job.

Assignment of New Positions to a Salary Grade Procedures

1. In conjunction with the approval process to create a new position, the department head, or a designee, completes a job analysis questionnaire ("JAQ") describing the duties to be assigned to the position.
2. The department head submits the JAQ through administrative channels to HR for assessment.
3. All new and existing jobs are to be assigned to a salary grade based on their relative worth determined by City approved published salary survey data and the City's determination of relative internal worth. The first step is to determine if market pay information exist for the job in City approved published salary surveys. HR will compare job duties and responsibilities noted on the JAQ to the definitions found in published salary survey. The job will be assigned to the appropriate salary grade by comparing the salary survey date to the midpoints of the salary grades.
4. If the job does not sufficiently match a salary survey definition it is compared to other jobs within the department. This is accomplished by evaluating and ranking the position based upon its relative worth. HR conducts this assessment of the duties and responsibilities of the position and in consultation with the department head, confirms the position title and assigns a salary grade.
5. The department head is notified in writing of the position title and salary grade assignment. The assigned pay grade provides a spread from a minimum to a maximum rate.

Section D ESTABLISHING INITIAL PAY FOR NEW HIRES

It is the goal of the City to offer wages that attract the best possible employees. It is also the goal of the City to ensure pay fairness among employees within similar job titles.

Therefore, a new employee's initial pay should be set in consideration of the candidate's qualifications as defined by KSAs, the pay of other similarly employed individuals, the pay and pay scales of supervised employees and external market factors.

Typically, the initial wage should be set between the minimum and the midpoint of the salary grade. Exceptions to this policy may be made in cases with unusual circumstances, such as when market conditions prohibit hiring within the assigned salary range and/or the current pay or pay range of employees does not stimulate interest in upward career movement. All exceptions must be approved in writing through administrative channels and by HR.

Establishing Initial Pay for New Hire Procedures

1. The department head will carefully review the applicant's qualifications in relation to the job's KSAs, external market factors and the current wages of individuals employed in similar titles. It is typical that HR will provide guidance to the department head regarding market pay for the position. It is anticipated that most salary offers will be between the minimum and the midpoint of the salary grade.
2. The department head will recommend to HR a beginning salary that is attractive to the prospective employee, addresses market pay influences and is fair to existing employees. Beginning salaries for new employees should not be set at a rate greater than the salaries of existing employees with equivalent qualifications (including performance) within the same job classification in order to reduce the possibility of compression issues.
3. Salary offers will be prepared by the hiring manager and forwarded to HR for approval prior to a job offer. The hiring manager may then communicate the offer to the prospective employee.

Section E DETERMINING PAY FOR PROMOTIONS, TRANSFERS AND DEMOTIONS

A *promotion* occurs when an employee moves to a job in a higher salary grade. A higher salary grade is defined by the midpoint of the range. As a result, if the employee moves to a job for which the assigned grade midpoint is higher than that of the previously occupied job, a promotion has occurred.

Determining Pay for Promotion Procedures

1. HR will provide salary grades, individual pay information and promotion adjustment guidelines to the applicable department head upon the promotion of an employee.

2. The department head will determine the promotional increase percentage according to the pay adjustment guidelines. An employee's pay shall be adjusted ten percent (10%) or to the minimum of the new salary grade, whichever is greater, at the time of promotion. The promotional increase percentage guidelines will be evaluated annually and may be adjusted based on City policy and market considerations.
3. Upon the promotion of an employee to a supervisory position, the employee's proposed salary will be compared to the salaries of his or her subordinates. If one or more of the employee's subordinates receives a base salary that is equal to or greater than that of the newly promoted supervisor, the supervisor shall receive a one-time pay adjustment that results in a base pay that is five percent (5) greater than the highest base pay rate paid to a subordinate.
4. Promotion based percentage salary adjustments are in addition to general increases if the promotion is made at the time of the annual wage adjustment. In this case, the general increase will be applied, and then the promotional-based adjustment will be applied.

A *transfer* occurs when an employee transfers to another position in the same salary grade as the position previously occupied. In such cases, the employee shall not be eligible for a pay increase due to such transfer

A *demotion* occurs when an employee who voluntarily accepts or, as a result of disciplinary actions, is moved to a position in a lower salary grade than the position occupied.

Determining Pay for Demotion Procedures

1. In the case of an employee's choice to begin a new career path, in which the employee applies for and is selected for a new classification in a lower pay grade, the policies for setting new hire pay will apply.
2. Should an employee demote to a previously held classification, the employee's salary will be set at the base pay rate last received in the previous classification, with consideration for any general base pay increases and performance based increases that occurred subsequent to the employee's transfer from the previously held classification. If the employee's resulting base rate is greater than the applicable salary grade maximum, his or her pay will be reduced to the maximum.
3. When an employee is asked to accept a position in a lower salary grade for the good of the City or due to an operational change within the City, this is considered a *downward reassignment*. In this case, the employee's current salary will not be changed, however, the reassigned grade maximum will define the limit of future pay increases.

Section F PAY ABOVE GRADE MAXIMUM

The compensation system is a tool used by the City to provide a rational basis for pay decisions. It helps to ensure that positions are not underpaid or overpaid based on job responsibilities and the competitive labor markets from which employees are recruited. The salary grade assigned to each position indicates the value of the position within the City. Pay above the maximum is not allowed.

Section G IN-RANGE PAY PROGRESSION

The City is committed to recognizing the ongoing contributions of employees and providing competitive pay that is commensurate with employees' job classifications, experience, performance, KSAs and other relevant factors. Therefore, an evaluation of employees' placement within their assign salary ranges will be performed periodically and pay adjustments may be recommended by HR to ensure that employees effectively move through the salary ranges.

This in-range progression policy does not apply to unclassified positions. Those positions' pay may be evaluated and adjusted at the City Manager's discretion.

In-Range Progression Procedures

1. On an annual basis as part of the budget process for the next fiscal year, HR will identify employees who have surpassed five (5) years of service in their current job classification as of March 1 in the current fiscal year, according to these time in classification definitions:
 - a. Promotion: selected for/placed in a position assigned to a higher pay grade. Time in class starts with the effective date of the promotion. This also applies to Firefighter I to Firefighter II, Engineering Specialist to Engineer, Police Officer in Training to Police Officer, Water Treatment Plant Operator II to Water Treatment Plant Operator III, and apprentice to journeyman classifications.
 - b. Demotion: selected for/placed in a position assigned to a lower pay grade. Time in class starts with the effective date of the demotion.
 - c. Transfer to position in same classification: time in class continues.
 - d. Transfer to new position in same pay grade, new classification: time in class starts with effective date of transfer.
 - e. Title change: no change to job duties or pay grade, time in class continues.
 - f. Upgrades/Market Adjustment: no change to job duties and new pay grade, time in class continues.

- g. Reclassification/reassignment: significant change to job duties, time in class starts with the effective date of the reclassification/reassignment.
 - h. Consolidation of classifications: time in class continues. What is a consolidation - ASA I and ASA II are consolidated to ASA. What is not a consolidation – ASA II to Senior ASA is a reassignment.
 - i. Separation of classifications: positions in a single classification separated into multiple classifications, time in class continues. What is a separation – CSA classification separated into CSA, Station Master and Police Officer in Training to provide more descriptive titles for the work performed.
 - j. Break in service: time in classification calculation resets on effective date of placement; previous service in classification is not included.
 - k. Change in budgeted FTE status: increase or decrease FTE status, time in class continues.
2. The base salary of each of these employees will be compared to the current midpoint of the assigned salary range. In the event that an employee's base rate of pay falls below the midpoint, HR will collect and assess job related factors to determine the appropriateness of the employee's placement within his or her range. Factors considered may include, but are not limited to, the following:
 - a. Performance
 - b. Internal equity/Compression
 - c. Career track
 - d. Retention (i.e., risk and consequences of turnover)
 - e. Hours worked
 3. If the evaluation of an employee's job related factors does not rationalize pay below the assigned salary grade midpoint, HR will recommend that the employee's pay be increased to the current midpoint. Based on the City's budget and availability of funding, incremental increases may occur over multiple years to achieve the targeted midpoint level.
 4. In –range pay progression beyond midpoint will result only from performance and market-based pay adjustments
 5. In-range pay adjustments to the midpoint, as described in this policy, may be suspended at any time by the City Manager if funding is not available.

Section H MARKET BASED PAY ADJUSTMENTS

The City strives to pay at levels that are competitive with the market. Salary adjustments may be made to employee salaries to address significant discrepancies between the City's level of pay and

market pay levels for jobs. Actual adjustment amounts will be based on the City's capacity to pay as well as individual performance.

Market-based Pay Adjustment Procedures

1. On an annual basis as part of the budget process, HR will compare current employee pay levels to the market pay for similar jobs. Jobs may be reviewed on a rotating basis, such that not every job is reviewed every year, but jobs are reviewed at least every five (5) years.
2. If a particular job, department or location at the City becomes exceedingly difficult to recruit and retain because of compensation requirements, HR will recommend salary adjustments to address the demand for greater pay because of extreme market competitiveness.
3. Individual employee pay will be reviewed in consideration of market survey data and recruiting requirements. Based upon this review, individual employee pay may be adjusted to better reflect market rates or decrease compensation related to turnover. The actual percentage an employee's pay is adjusted will be based on the employee's KSAs in comparison to the job's KSAs, and the extent of external market pay factors. Market adjustments will only be considered for employees with at least a satisfactory performance rating.

Section I SALARY STRUCTURE ADJUSTMENTS

The City's salary structures will be adjusted on a periodic basis to ensure that they remain competitive with markets from which it attracts talented employees.

Salary Structure Adjustment Procedures

1. On an annual basis as part of the budget process, HR will review the pay structures in consideration of changing economic and competitive factors as determined by City approved published salary surveys and other data sources. Among other data, the City will consider the Consumer Price Index as published by the U.S. Department of Labor from December of the previous year to December of the current year.
2. HR will recommend an appropriate salary structure adjustment to the City Manager and City Council. Typically, the salary structure adjustment will be less than the recommended salary increase budget, however, they may be equal percentage values.
3. The recommended salary structure adjustment should not exceed the recommended salary increase budget. If the City's budget does not allow for salary increases in any given year, the structures should remain constant and may be adjusted in the future when sufficient financial resources are available. When structure adjustments resume, consideration should be given to increasing the structures by more than a single annual adjustment in

order to make up for the year structures were constant and keep pace with market movement.

4. Salary structures will be adjusted as approved.
5. Any employee whose salary is below the assigned updated salary range will receive a pay adjustment at least equal to the difference between actual salary and the salary range minimum. Such pay increases will be provided only if sufficient financial resources are available.

Section J TEMPORARY EMPLOYEE SALARY RATES

Individuals employed in temporary, fill-in, part-time, and similar capacities will be paid within salary rates prescribed by the City Manager. The general policy shall be to minimize costs of said assignments by providing a salary not above the established base rate for permanent, full-time employees in the same capacity. An exception to this general guideline may be made if the employee is sufficiently qualified and knowledgeable in specific operations (must be documented) to warrant a higher rate. Salary rates for any temporary employees will be implemented to effectuate the least liability under Unemployment Compensation regulations. Temporary employees are not eligible for annual across-the-board salary adjustments. A thorough review of their performance may justify a salary increase, but the determination shall be made on an individual basis and strictly on merit.